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These references are included in the rulemaking record for these proposed rules and are available for inspection by interested persons by making arrangements with the contact person shown above.

Dated: April 4, 2002.

Jo Anne B. Barnhart,
Commissioner of Social Security.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 58 and 72

RIN 1219–AB24

Measuring and Controlling Asbestos Exposure

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of change to public meetings.

SUMMARY: The Mine Safety and Health Administration is announcing a change in the date of one of our public meetings concerning the measurement and control of miners’ exposure to asbestos. These meetings were announced March 29, 2002 in the **Federal Register** (67 FR 15134) in conjunction with an Advanced Notice of Proposed Rulemaking and Close of Record Notice. We are changing the date of the Charlottesville, Virginia meeting and adding a seventh public meeting in Phoenix, Arizona.

DATES: The public meeting in Phoenix, Arizona will be held on June 5, 2002. The public meeting in Charlottesville, Virginia will be held on June 20, 2002. The dates and locations of the other public meetings are listed in the Public Meetings section below under **SUPPLEMENTARY INFORMATION** for the convenience of the public.

You do not have to submit a written request to speak. There will be a sign-up sheet at each of the meeting locations. Speakers will speak in the order that they sign in. Speakers may also present information to the MSHA panel for inclusion in the rulemaking record.

ADDRESSES: The public meeting in Phoenix, Arizona will be held at the Hampton Inn Phoenix Midtown, 160 West Catalina Drive, Phoenix, AZ 85013 ((602) 200–0990). The public meeting in Charlottesville, Virginia will be held at the Holiday Inn, 1901 Emmet Street, Charlottesville, VA 22901 ((434) 977–7700). The public meeting dates and locations of the other five public meetings are listed in the Public Meetings section below under **SUPPLEMENTARY INFORMATION** for the convenience of the public.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director; Office of Standards, Regulations, and Variances; MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203–1984. Mr. Nichols can be reached at nichols-marvin@msha.gov (E-mail), (703) 235–1910 (Voice), or 703–235–5551 (Fax).

SUPPLEMENTARY INFORMATION:

I. Public Meetings

The public meetings will be held on the following dates and at these locations:

Date	Location	Phone
May 2nd	Ramada Inn, 164 Fort Couch Road, Pittsburgh, PA 15241	(412) 833–5300.
May 14th	Days Inn, 4212 W Sunset Blvd, Spokane, WA 99224	(509) 747–2021.
May 16th	Hampton Inn & Suites, 800 Mason Street, Vacaville, CA 95687	(707) 469–6200.

Date	Location	Phone
May 29th	Best Western, 90 E Main Street, Canton, NY 13617	(315) 386-8522.
June 5th	Hampton Inn Phoenix Midtown, 160 West Catalina Drive, Phoenix, AZ 85013.	(602) 200-0990.
June 12th	Days Inn, 701 Hattrick Ave, Virginia, MN 55734	(218) 744-2703.
June 20th	Holiday Inn, 1901 Emmet Street Charlottesville, VA 22901	(434) 977-7700.

The public meetings will begin at 9 a.m. and end after the last speaker appears; and in any event, not later than 5 p.m. each day.

Dated: April 12, 2002.

John R. Caylor,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[RIN 0720-AA72]

TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of TRICARE Prime Enrollment Period

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements section 714 of the National Defense Authorization Act for Fiscal Year 2000 which authorizes the Secretary of Defense to waive the TRICARE deductible in certain cases for care provided to a dependent of a member of a Reserve Component or the National Guard who is called to active duty for more than 30 days but less than one year. In implementing this rule, we are limiting this to Reserve Component and National Guard members called to active duty in support of a contingency operations. The term "contingency operations" is defined at 10 U.S.C. 101(a)(13). This proposed rule also establishes circumstances under which eligible beneficiaries may enroll in TRICARE Prime for a period of less than one year.

DATES: Public comments must be received by June 17, 2002.

ADDRESSES: Forward comments to: TRICARE Management Activity (TMA), Medical Benefits and Reimbursement Systems, 16401 East Centretch Parkway, Aurora, CO 80011-9043.

FOR FURTHER INFORMATION CONTACT: Stephen E. Isaacson, Medical Benefits and Reimbursement Systems, TMA, (303) 676-3572.

SUPPLEMENTARY INFORMATION:

Waiver of Certain TRICARE Deductibles

Often a call to active duty for a member of a Reserve Component or of the National Guard presents certain financial hardships. Dependents of these individuals become eligible for TRICARE Standard if the member is called to active duty for a period of more than 30 days. However, since they are not covered by TRICARE prior to the member's call to active duty, they generally are covered by some other health plan under which they probably have been required to pay a deductible.

In order to mitigate the hardship of having to meet a second deductible for active duty service that often is less than a year, the TRICARE deductible has been reduced or waived on two previous occasions. For dependents of active duty members of pay grade E-5 or above who served in connection with Operation Desert Shield or Operation Desert Storm, the TRICARE deductible was reduced to the lesser amounts required for active duty members of pay grade E-4 or below. For dependents of certain reserve members who were called to active duty for more than 30 days in support of Operation Joint Endeavor, the TRICARE deductible was waived.

Section 714 of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65) gives the Secretary of Defense authority to waive the TRICARE deductible for certain beneficiaries in circumstances similar to those when it was previously waived. Specifically the Secretary may waive the deductible for care provided to a dependent of: (1) A member of a Reserve Component who is called or ordered to active duty in support of a contingency operation for a period of more than 30 days but less than one year; or (2) a member of the National Guard who is called or ordered to full-time National Guard duty for a period of more than 30 days but less than one year. The proposed rule allows the family members of a Reservist or National Guard member an immediate opportunity to participate in the TRICARE program without the barrier of deductibles when the period of recall is in support of a contingency operation for more than 30 days but less than one year. Because of the nature of rapid

deployments for an unspecified period of time, this change provides family-friendly coverage when we need family cooperation to respond effectively to the deployment situation. For purposes of this provision, a dependent is limited to a spouse (but not a former spouse) of the member and a child who is dependent upon the member for over one-half of the child's support as defined in §§199.3(b)(2)(ii)(A) through (b)(2)(ii)(F) and (b)(2)(ii)(H)(1), (b)(2)(ii)(H)(2) and (b)(2)(ii)(H)(4).

Enrollment in TRICARE Prime

Enrollment in TRICARE Prime normally must be for a period of one year. Section 199.17(v), provides for the establishment of administrative requirements and procedures to ensure reasonable implementation and operation of the TRICARE program. Under this authority, an exception to the one-year Prime enrollment requirement has been provided for Reservists and members of the National Guard who are called or ordered to active duty for a period of 179 days or more. A second exception has been established for those beneficiaries who are eligible to enroll in Prime but have less than one year of TRICARE eligibility remaining. For example, the dependents of an active duty member may enroll in Prime even though the member has less than one year of active duty service remaining, and the member will not be eligible for retirement at the end of the member's active duty service.

This proposed rule establishes specific regulatory authority for these exceptions.

Regulatory Procedures

Executive Order (EO) 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one which would result in an annual effect of \$100 million or more on the national economy or which would have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial