

part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565-8770; fax (860) 565-4503. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(g) This amendment becomes effective on April 17, 2003.

Issued in Burlington, Massachusetts, on March 4, 2003.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03-5692 Filed 3-12-03; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

RIN -0720-AA74

#### TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings Procedures, Formal Review

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Interim Final Rule; administrative corrections.

**SUMMARY:** This document makes administrative corrections to the 32 CFR part 199, section 199.10, "Appeal and Hearing Procedures." These corrections include revising § 199.10, adding paragraphs (c)(1) through (c)(5), and making other minor editorial changes.

**DATES:** Forward comments on or before May 12, 2003.

**ADDRESSES:** Forward comments to Medical Benefits and Reimbursement Systems, TRICARE Management Activity, 16401 East Centretch Parkway, Aurora, CO 80011-9066.

**FOR FURTHER INFORMATION CONTACT:** Gail L. Jones, Medical Benefits and Reimbursement Systems, TRICARE Management Activity, telephone (303) 676-3401.

**SUPPLEMENTARY INFORMATION:** Paragraphs (c)(1) through (c)(5) were inadvertently omitted when the July 1, 1991 edition of the 32 CFR was published. The discovery that the formal review process was missing from § 199.10 occurred at the time that TRICARE was tasked to promulgate an appeal process for TRICARE Claimcheck denials.

This correction to § 199.10 is necessary to provide the required

procedures to any party to an initial determination or reconsideration determination made by the CHAMPUS contractor and who may want to request a formal review.

Executive Order 12866 requires certain regulatory assessments for any "significant regulatory action" defined as one, which would result in an annual effect on the economy of \$100 million or more, or 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 number of small entities.

This rule has been designated as significant rule and has been reviewed by the Office of Management and Budget as required under the provisions of E.O. 12866. The Department of Defense certifies that this interim final rule would not have a significant impact on small business entities.

This interim final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3511).

#### List of Subjects in 32 CFR Part 199

Claims, Health insurance, Individuals with disabilities, Dental Health, Military personnel.

Accordingly, 32 CFR Part 199 is amended as follows:

#### PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.10 is amended by revising paragraph (b) introductory text, and revising paragraph (c) to read as follows:

#### § 199.10 Appeals and Hearings Procedures.

\* \* \* \* \*

(b) *Reconsideration.* Any party to the initial determination made by the CHAMPUS contractor, or a CHAMPUS peer review organization may request reconsideration.

\* \* \* \* \*

(c) *Formal review.* Except as explained in this paragraph, any party to an initial determination made by OCHAMPUS, or a reconsideration determination made by the CHAMPUS contractor, may request a formal review by OCHAMPUS if the party is

dissatisfied with the initial or reconsideration determination unless the initial or reconsideration determination is final under paragraph (b)(5) of this section; involves the sanctioning of a provider by the exclusion, suspension or termination of authorized provider status; involves a written decision issued pursuant to § 199.9(h)(1)(iv)(A) regarding the temporary suspension of claims processing; or involves a reconsideration determination by a CHAMPUS peer review organization. A hearing, but not a formal review level of appeal, may be available to a party to an initial determination involving the sanctioning of a provider or to a party to a written decision involving a temporary suspension of claims processing. A beneficiary (or an authorized representative of a beneficiary), but not a provider (except as provided in § 199.15), may request a hearing, but not a formal review, of a reconsideration determination made by a CHAMPUS peer review organization.

(1) *Requesting a formal review.* (i) *Written request required.* The request must be in writing, shall state the specific matter in dispute, shall include copies of the written determination (notice of reconsideration determination or OCHAMPUS initial determination) being appealed, and shall include any additional information or documents not submitted previously.

(ii) *Where to file.* The request shall be submitted to the Chief, Office of Appeals and Hearings, TRICARE Management Activity, 16401 East Centretch Parkway, Aurora, Colorado 80011-9066.

(iii) *Allowed time to file.* The request shall be mailed within 60 days after the date of the notice of the reconsideration determination or OCHAMPUS initial determination being appealed.

(iv) *Official filing date.* A request for a formal review shall be deemed filed on the date it is mailed and postmarked. If the request does not have a postmark, it shall be deemed filed on the date received by OCHAMPUS.

(2) *The formal review process.* The purpose of the formal review is to determine whether the initial determination or reconsideration determination was made in accordance with law, regulation, policies, and guidelines in effect at the time the care was provided or requested or at the time of the initial determination, reconsideration, or formal review decision involving a provider request for approval as an authorized CHAMPUS provider. The formal review is performed by the Chief, Office of Appeals and Hearings, OCHAMPUS, or

a designee, and is a thorough review of the case. The formal review determination shall be based on the information, upon which the initial determination and/or reconsideration determination was based, and any additional information the appealing party may submit or OCHAMPUS may obtain.

(3) *Timeliness of formal review determination.* The Chief, Office of Appeals and Hearings, OCHAMPUS, or a designee normally shall issue the formal review determination no later than 90 days from the date of receipt of the request for formal review by the OCHAMPUS.

(4) *Notice of formal review determination.* The Chief, Office of Appeals and Hearings, OCHAMPUS, or a designee shall issue a written notice of the formal review determination to the appealing party at his or her last known address. The notice of the formal review determination must contain the following elements:

(i) A statement of the issue or issues under appeal.

(ii) The provisions of law, regulation, policies, and guidelines that apply to the issue or issues under appeal.

(iii) A discussion of the original and additional information that is relevant to the issue or issues under appeal.

(iv) Whether the formal review upholds the prior determination or reverses the prior determination or determinations in whole or in part and the rationale for the action.

(v) A statement of the right to request a hearing in any case when the formal review determination is less than fully favorable, the issue is appealable, and the amount in dispute is \$300 or more.

(5) *Effect of formal review determination.* The formal review determination is final if one or more of the following exist:

(i) The issue is not appealable. (See paragraph (a)(6) of this section.)

(ii) The amount in dispute is less than \$300. (See paragraph (a)(7) of this section.)

(iii) Appeal rights have been offered but a request for hearing is not received by OCHAMPUS within 60 days of the date of the notice of the formal review determination.

\* \* \* \* \*

Dated: March 7, 2003.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-5954 Filed 3-12-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### 33 CFR Part 401

[Docket No. SLSDC 2002-13698]

RIN 2135-AA15

### Seaway Regulations and Rules: Automatic Identification System

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** In the Saint Lawrence Seaway Development Corporation (SLSDC) final rule amending the Seaway regulations and rules (33 CFR part 401) published in the **Federal Register** on February 28, 2003 (68 FR 9549), an inadvertent error was made in the heading of the new § 401.20. This document corrects that error.

**DATES:** Effective on March 25, 2003.

**FOR FURTHER INFORMATION CONTACT:** Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-6823.

**SUPPLEMENTARY INFORMATION:** In the Saint Lawrence Seaway Development Corporation (SLSDC) final rule amending the Seaway regulations and rules (33 CFR part 401) published in the **Federal Register** on February 28, 2003 (68 FR 9549), an inadvertent error was made in the heading of the new § 401.20. In the heading, the word "Automated" should have been "Automatic." This correction makes that change.

In rule FR Doc. 03-4740 published in the **Federal Register** on February 28, 2003 (68 FR 9549), make the following correction:

1. On page 9551, in the heading of the new § 401.20, remove "Automated" and add in its place "Automatic".

Issued in Washington, DC on March 10, 2003.

Saint Lawrence Seaway Development Corporation.

**Marc C. Owen,**  
*Chief Counsel.*

[FR Doc. 03-6048 Filed 3-12-03; 8:45 am]

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## LIBRARY OF CONGRESS

### 36 CFR Part 704

### National Film Preservation Board; 1994-2002 Films Selected for Inclusion in the National Film Registry

**AGENCY:** National Film Preservation Board, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Librarian of Congress is publishing the following list of films selected from 1994-2002 for inclusion in the National Film Registry in the Library of Congress pursuant to section 103 of the National Film Preservation Act of 1996. The films are published to notify the public of the Librarian's selection of twenty-five films selected in each of these years deemed to be "culturally, historically or aesthetically significant" in accordance with Congress' mandate. These 225 new films join the 125 films already selected for inclusion in the Registry under section 203 of the 1992 Act, as well as previously chosen under section 3 of Pub. L. 100-446. The National Film Preservation Act of 1988. The Librarian's goal in administering the Act is to promote the preservation of all genres of film, represented by the diverse list of films selected for inclusion in the Registry, and to generate public interest in film as an art form deserving of preservation.

**EFFECTIVE DATE:** Date of Publication.

**FOR FURTHER INFORMATION CONTACT:** Steve Leggett, Staff Coordinator, The National Film Preservation Board. Telephone (202) 707-5912; telefax (202) 707-2371; email: [sleg@loc.gov](mailto:sleg@loc.gov).

**SUPPLEMENTARY INFORMATION:** On August 9, 1990 (55 FR 32567), the Librarian of Congress published the list of films for 1989 for inclusion in the National Film Registry in the Library of Congress. On December 24, 1990 (55 FR 52844) the Librarian published the list of films for 1990. On September 30, 1991 (56 FR 49413) the Librarian published the list of films for 1991. On July 8, 1994 (59 FR 35034) the Librarian published the list of films for 1992 and 1993, bringing the total to 125 films selected under the 1988 and 1992 Acts. Today, the Librarian publishes the sixth-fourteenth lists of films for inclusion in the National Film Registry—twenty-five additional films selected in each year, 1994-2002, added to the films already selected.

The 1988 Act expired on September 27, 1991. The 1992 Act expired on June 26, 1996. On October 11, 1996, President Clinton signed into law the National Film Preservation Act of 1996,