

implications that would have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government; therefore, consultation with State and local officials is not required.

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

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, 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 199.3 is amended by adding paragraphs (e)(1)(v) and (e)(1)(vi) to read as follows:

#### § 199.3 Eligibility.

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(v) A member who receives a sole survivorship discharge (as defined in section 1174(i) of this title).

(vi) A member who is separated from Active Duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.

\* \* \* \* \*

Dated: August 10, 2010.

**Patricia L. Toppings,**

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

[FR Doc. 2010-20393 Filed 8-17-10; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

[Docket ID: DoD-2008-HA-0123]

RIN 0720-AB29

#### TRICARE; TRICARE Delivery of Health Care in Alaska

**AGENCY:** Office of the Secretary, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** TRICARE has recognized the unique circumstances existing in Alaska which make the provision of medical care to TRICARE beneficiaries through the TRICARE program operated in the other 49 states unrealistic. Recognizing

these unique conditions and circumstances, the Department of Defense has conducted a demonstration project in the state of Alaska since implementation of the TRICARE program under which certain exceptions have been made for administration of the program in Alaska. This rule incorporates the waiver of the requirement for financial underwriting by a TRICARE contractor as a permanent change to the administration of the TRICARE program in Alaska. This rule proposes no change to the TRICARE benefit or to those who are eligible for it. However, the rule does eliminate the financial underwriting of health care costs in the state of Alaska by a TRICARE contractor.

**DATES:** *Effective Date:* September 17, 2010.

**FOR FURTHER INFORMATION CONTACT:** LTC Stephen Oates, TRICARE Policy and Operations Directorate, TRICARE Management Activity, 5111 Leesburg Pike, Suite 810, Falls Church, VA 22041, telephone (703) 681-0039.

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction and Background

In recognition of the unique geographical and environmental characteristics of the state of Alaska, the Department of Defense has conducted a demonstration project which tested the viability of implementing the TRICARE program differently in Alaska (see **Federal Register**, Vol. 69, No. 96/ Tuesday, May 18, 2004/Notices). To date that demonstration has supported the impracticability and lack of cost effectiveness to impose on a TRICARE contractor the financial underwriting of the delivery of health care resulting from costs associated with the TRICARE program over which the contractor has no control. The demonstration is authorized until March 31, 2011. This rule will make permanent the waiver of the financial underwriting requirement by the TRICARE contractor in the delivery of health care in Alaska.

#### II. Public Comments

The proposed rule was published in the **Federal Register** (74 FR 62270-62271) on November 27, 2009, for a 60-day comment period. Two comments were submitted and are responded to below.

*Comment:* Alaska TRICARE managers need authorization, as do other states, to designate civilian primary care managers (PCMs) for care unavailable or too distant for the members who are in TRICARE Prime.

*Response:* We agree that allowing TRICARE managers the ability to

designate civilian primary care managers (PCMs) would improve the access to care for eligible beneficiaries. Policies are currently being reviewed to assess the feasibility of incorporating such practices without adversely affecting the local community.

*Comment:* Certified Nurse Midwives and state-licensed direct-entry midwives are underutilized alternatives to physician-led care for pregnant women. Also, TRICARE's authorized providers should be expanded to include state-licensed midwives.

*Response:* We understand the limited choices available to beneficiaries in the state of Alaska; however, the ultimate decision remains with the beneficiary on provider selection. In order for a Certified Nurse Midwife to become a TRICARE-authorized provider, he/she must be licensed, when required, by a local licensing agency and certified by the American College of Nurse Midwives.

#### II. Regulatory Procedures

*Executive Order 12866, "Regulatory Planning and Review"*

Section 801 of title 5, United States Code (U.S.C.) and Executive Order (E.O.) 12866 require certain regulatory assessments and procedures for any major rule or significant regulatory action, defined as one that would result in an annual effect of \$100 million or more on the national economy or which would have other substantial impacts. It has been certified that this rule is not an economically significant rule, however, it is a regulatory action which has been reviewed by the Office of Management and Budget as required under the provisions of E.O. 12866.

*Section 202, Public Law, 104-4, "Unfunded Mandates Reform Act"*

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

*Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)*

The Regulatory Flexibility Act (RFA) requires 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 is not an economically significant regulatory action and will not have a significant impact on a substantial number of small entities for purposes of the RFA. Thus, this

proposed rule is not subject to any of these requirements.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3511)*

This rule will not impose additional information collection requirements on the public.

*Executive Order 13132, “Federalism”*

We have examined the impact of the rule under Executive Order 13132, and it does not have policies that have federalism implications that would have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, consultation with State and local officials is not required.

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

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

■ Accordingly, 32 CFR part 199 is amended as follows:

**PART 199—CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS)**

■ 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 199.17 is amended by revising the second sentence of paragraph (a)(3), redesignating paragraph (v) as paragraph (w), and by adding a new paragraph (v) to read as follows:

**§ 199.17 TRICARE program**

\* \* \* \* \*

(a) \* \* \*

(3) \* \* \* Its geographical applicability is to all 50 states (except as modified for the state of Alaska under paragraph (v) of this section) and the District of Columbia. \* \* \*

\* \* \* \* \*

(v) *Administration of the TRICARE program in the state of Alaska.* In view of the unique geographical and environmental characteristics impacting the delivery of health care in the state of Alaska, administration of the TRICARE program in the state of Alaska will not include financial underwriting of the delivery of health care by a TRICARE contractor. All other provisions of this section shall apply to administration of the TRICARE program in the state of Alaska as they apply to

the other 49 states and the District of Columbia.

\* \* \* \* \*

Dated: August 10, 2010.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 2010–20391 Filed 8–17–10; 8:45 am]

**BILLING CODE 5001–06–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 3 and 165**

[Docket No. USCG–2010–0351]

RIN 1625–ZA25

**Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River; Correction**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Coast Guard published in the *Federal Register* of August 11, 2010, a document concerning non-substantive changes to Title 33 Parts 3 and 165 of the Code of Federal Regulations. That publication contained several errors regarding the name of the Sector that was being disestablished and one being established in its place. In addition, there was an error in amendatory instruction 5. This document corrects these errors.

**DATES:** This correction is effective August 18, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Lt. Matthew Jones, Coast Guard; telephone 206–220–7110, e-mail *Matthew.m.jones@uscg.mil*. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** In FR doc 2010–19754 appearing on page 48564 in the issue of Wednesday, August 11, 2010, the following corrections are made:

1. In the document heading on page 48564, correct the subject heading to read “Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River.”

2. On page 48564, in the first column, revise the summary section to read as follows:

“This rule makes non-substantive changes throughout our regulations. The

purpose of this rule is to make conforming amendments and technical corrections to reflect the combination and renaming of Sector Portland and Group/Air Station Astoria to Sector Columbia River as part of the Coast Guard reorganization.”

3. On page 48564, in the second column, revise the discussion of rule section to read as follows:

“This rule revises 33 CFR parts 3 and 165 to reflect changes in Coast Guard internal organizational structure. Sector Portland and Group/Air Station Astoria have been disestablished and Sector Columbia River has been established in their place. The new Sector begins operations on August 23, 2010. This rule revises 33 CFR parts 3 and 165 to reflect the Sector Columbia River and Captain of the Port Zone name change in current regulations. This rule is a technical revision reflecting changes in agency procedure and organization, and does not indicate new authorities nor create any substantive requirements.”

4. On page 48565, in the third column, revise amendatory instruction number 5 to read as follows:

“In § 165.1312(b), remove the phrase “Coast Guard Captain of the Port, Portland” and add, in its place, the phrase “Captain of the Port Columbia River”.”

Dated: August 13, 2010.

**Steve Venckus,**  
*Chief, Office of Regulations and Administrative Law, United States Coast Guard.*

[FR Doc. 2010–20509 Filed 8–17–10; 8:45 am]

**BILLING CODE P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA–HQ–OPP–2008–0601 and EPA–HQ–OPP–2008–0602; FRL–8836–3]

**2-(2'-hydroxy-3', 5'-di-tert-amylphenyl) benzotriazole and Phenol, 2-(2H-benzotriazole-2-yl)-6-dodecyl-4-methyl; Exemption from the Requirement of a Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of 2-(2'-hydroxy-3', 5'-di-tert-amylphenyl) benzotriazole (CAS Reg. No. 25973–55–1) and Phenol, 2-(2H-benzotriazole-2-yl)-6-dodecyl-4-methyl; (CAS Reg. No. 23328–53–2) when used as a ultraviolet (UV)