

determination were based, and any additional information the appealing party may submit or OCHAMPUS may obtain.

(iii) *Timeliness of second-level appeal determination.* The Chief, Office of Appeals and Hearings, OCHAMPUS or a designee, normally shall issue a written notice of the second-level appeal determination no later than 90 days from the date of receipt of the request for second-level appeal by OCHAMPUS.

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

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

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

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

(D) Whether the second-level appeal determination upholds the first-level appeal determination or reverses the first-level appeal determination in whole or in part and the rationale for the action.

(v) *Effect of second-level appeal determination.* The second-level appeal determination is the final action of the TRICARE Claimcheck or other similar software administrative appeal process.

4. Section 199.15 is proposed to be amended by revising paragraphs (f)(3)(ii)(A), (h), (i)(1), (i)(2), and (i)(4) as follows:

§ 199.15 Quality and utilization review peer review organization program.

* * * * *

(f) * * *

(3) * * *

(ii) * * *

(A) A reconsideration determination that would be final in a cases involving sole-function PROs under paragraph (i)(2) of this section will not be final in cases involving multi-function PROs. In addition, a reconsideration determination that would be appealed to OCHAMPUS in cases involving sole-function PROs under paragraph (i)(1) of this section will not be appealed to OCHAMPUS in cases involving multi-function PROs. Rather, in such cases, an opportunity for a second reconsideration shall be provided. The second reconsideration will be provided by OCHAMPUS or another contractor independent of the multi-function PRO

that performed the review. The second reconsideration may not be further appealed by the provider except as provided in paragraph (i)(3) of this section.

* * * * *

(h) *Procedures regarding reconsiderations.* The CHAMPUS PROs shall establish and follow procedures for reconsiderations that are substantively the same or comparable to the procedures applicable to reconsiderations under Medicare pursuant to 42 CFR 473.15 to 473.34, except that the time limit for requesting reconsideration (see 42 CFR 473.20(a)(1)) shall be 90 days. A PRO reconsideration determination is final and binding upon all parties to the reconsideration except to the extent of any further appeal pursuant to paragraph (i) of this section.

(i) * * *

(1) Beneficiaries may appeal a PRO reconsideration determination to OCHAMPUS and obtain a hearing on such appeal to the extent allowed and under the procedures set forth in § 199.10(d).

(2) Except as provided in paragraph (i)(3) of this section, a PRO reconsideration determination may not be further appealed by a provider.

* * * * *

(4) For purposes of the hearing process, a PRO reconsideration determination shall be considered as the procedural equivalent of a formal review determination under § 199.10, unless revised at the initiative of the Director, OCHAMPUS, prior to a hearing on the appeal, in which case the revised determination shall be considered as the procedural equivalent of a formal review determination under § 199.10.

* * * * *

Dated: January 4, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer Department of Defense.

[FR Doc. 00-660 Filed 1-12-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110, and 165

[COTP San Juan 99-088]

OPSAIL 2000, Port of San Juan, PR

AGENCY: Coast Guard, DOT.

ACTION: Advanced notice of proposed rulemaking; request for comments.

SUMMARY: The Coast Guard requests public comment on the temporary establishment of exclusion areas before, during, and after OPSAIL 2000 in the Port of San Juan, Puerto Rico from May 19 through May 29, 2000. The Coast Guard anticipates a rulemaking to establish temporary limited access areas and Special Local Regulations to control vessel traffic within the Port of San Juan during this event, including fireworks displays on the evenings of May 25, and May 28, 2000, and during the Outbound Parade of Sail on Monday, May 29, 2000, and establishing new and/or assigning currently designated Anchorage Grounds for spectator vessels. These temporary regulations will be necessary to ensure the safety of persons and property in the vicinity of fireworks displays and in the movement of numerous large sail vessels (Tall Ships) during the Parade of Sail.

DATES: Comments must be received on or before February 28, 2000.

ADDRESSES: Comments may be mailed to the U.S. Coast Guard Marine Safety Office San Juan, P.O. Box 71526, San Juan, Puerto Rico 00936-8626, or may be delivered to Rodriguez & Del Valle, 4th Floor, Calle San Martin, Carr #2 km 4.9, Guaynabo, Puerto Rico, between the hours of 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

Marine Safety Office, San Juan, Puerto Rico maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at the Coast Guard Marine Safety Office San Juan, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert Lefevers, U.S. Coast Guard Marine Safety Office, San Juan at (787) 706-2440, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in the early stages of this rulemaking by submitting written data, views, or arguments. Please explain your reasons for each comment so that we can carefully weigh the consequences and impacts of any future requirements we may propose. Persons submitting comments should include their names and addresses, identify this rulemaking (COTP San Juan 99-088) and the specific section of this document to which each comment applies. Please submit two copies of all comments and

attachments in English and in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments received during the comment period.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the U.S. Coast Guard Marine Safety Office at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Opsail 2000 is sponsoring fireworks displays and the OPSAIL 2000 Parade of Tall Ships. These events are scheduled to take place from May 19 through 29, 2000, in the Port of San Juan, in San Juan Harbor. The Coast Guard expects many spectator craft for this event. The anticipated rulemaking will provide specific guidance on temporary anchorage regulations, vessel movement controls, safety and security zones that will be in effect at various times in those waters during the period May 19 through 29, 2000. The Coast Guard may seek to establish additional regulated areas, Anchorage Grounds with regulations, and safety or security zones once confirmation of the exact number of vessels and dignitaries that will be participating in OPSAIL 2000 becomes available.

Schedule of Events

At the current time, marine related events will include the following:

1. Starting May 19, 2000: Tall ships arrive and moor at Piers 1 through 14.
2. May 25, 2000: Fireworks display scheduled to take place from Isla Grande.
3. May 28, 2000: Fireworks display scheduled to take place over San Juan Harbor.
4. May 29, 2000: Outbound Parade of Sail and departure of the participating vessels.

Discussion

The Coast Guard estimates many spectator craft and commercial vessels (passenger vessels and charter boats) in the area during May 19 to 29, 2000. The safety of parade participants and spectators will require that spectator craft be kept at a safe distance from the parade route. The Coast Guard intends

to establish multiple limited access areas for the vessel parade, and to temporarily modify existing anchorage areas within the port area to provide for maximum spectator viewing areas and traffic patterns for deep draft and barge traffic. The only other restriction anticipated for commercial deep draft and barge traffic will be during the fireworks displays that begin at approximately 9 p.m. for a duration of approximately 30 minutes. The greatest traffic restrictions will be in place during the Outbound Parade of Sail, when the Captain of the Port may close San Juan Harbor for a portion of the day, and a Parade of Sail safety zone may be enforced between the hours of 7 a.m. and 6 p.m. on Monday, May 29, 2000.

Regulatory Evaluation

At this early stage in what is still just a potential rulemaking, the Coast Guard has not determined whether any future rulemaking may be considered a significant regulatory action under section 3(f) of Executive Order 12866 or the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of any future rulemaking to be minimal. Although the Coast Guard anticipates restricting traffic in San Juan Harbor on Monday, May 29, 2000, the effect of any future rulemaking will be minimized because of the limited duration of the event and the extensive advance notifications that will be made to the maritime community via the **Federal Register**, the Local Notice to Mariners, facsimile, the internet, marine information broadcasts, maritime association meetings, and San Juan area newspapers, so mariners can adjust their plans accordingly. The Coast Guard anticipates that the majority of the maritime industrial activity in the Port of San Juan will continue relatively unaffected by any future rulemaking.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether any potential rulemaking, if it led to an actual rule, would have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard does not anticipate that its potential rulemaking will have anything but a minimal impact upon small entities, but expects that

comments received on this advance notice will help it determine the number of potentially affected small entities and in weighing the impacts of various regulatory alternatives for the purpose of drafting any rules.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this advance notice so that they can better evaluate the potential effects of any future rulemaking on them and participate in the rulemaking. If you believe that your small business, organization, or agency may be affected by any future rulemaking, and if you have questions concerning this notice, please consult the Coast Guard point of contact designated in **FOR FURTHER INFORMATION CONTACT**. The Coast Guard is particularly interested in how any future rulemaking may affect small entities. If you are a small entity and believe that you may be affected by such a rulemaking, please tell how, and what flexibility or compliance alternatives the Coast Guard should consider to minimize the burden on small entities while promoting port safety.

Collection of Information

The Coast Guard anticipates that any future rulemaking will not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this advanced notice under Executive Order 13132. From the information currently available, we cannot determine whether this potential rulemaking will have sufficient federalism implications under that Order.

Unfunded Mandates Reform Act

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this potential rulemaking will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. The Coast Guard does not anticipate that any future rulemaking will result in such expenditures, but welcomes comments

addressing the issue from interested parties.

Taking of Private Property

The Coast Guard anticipates that any potential rulemaking will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

The Coast Guard anticipates that any potential rulemaking will meet applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

The Coast Guard anticipates that any potential rulemaking will not be economically significant and will not present an environmental risk to health or risk to safety that may disproportionately affect children under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks.

Environment

The Coast Guard anticipates that any potential rulemaking will require an Environmental Assessment due to the advertised size of the event and its proximity to sensitive environmental areas. An environmental analysis has been required from the event sponsor. Further, any potential rulemaking will be designed to minimize the likelihood of maritime accidents and attendant environmental consequences and to enhance the safety of participants, spectators, and other maritime traffic. The Coast Guard invites comments addressing possible effects that any such rulemaking may have on the human environment or addressing possible inconsistencies with any Federal, State, or local law or administrative determinations relating to the environment. It will reach a final determination once it has received a detailed parade of sail plan and environmental analysis from the sponsor organization.

Dated: December 16, 1999.

J.A. Servidio,

Commander, Coast Guard Captain of the Port, San Juan.

[FR Doc. 00-761 Filed 1-12-00; 8:45 am]

BILLING CODE 4910-15-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, and 101

[WT Docket No. 97-81; DA 98-1889]

Multiple Address Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects portions of the document implementing Commission's Order dismissing all pending Multiple Address Systems (MAS) applications that was published in the *Federal Register* of October 5, 1998 (63 FR 53350).

FOR FURTHER INFORMATION CONTACT: Sam Gumbert, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-1337.

SUPPLEMENTARY INFORMATION: The Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau published a document on October 5, 1998 which dismissed all pending Multiple Address System (MAS) applications for use of the 932-932.5-941-941.5 MHz bands. In proposed rule FR Doc. 98-26568, published in October 5, 1998 (63 FR 53350) make the following corrections:

1. On page 53350, in the second column, the **DATES** caption is corrected to read as follows: **DATES:** All pending MAS applications for use of the 932-932.5/941-941.5 MHz bands (File Nos. A00001-A50772 and applications filed under Part 22) were dismissed on September 17, 1998.

2. On page 53350, in the third column, the **FOR FURTHER INFORMATION CONTACT** caption is corrected to read as follows: **FOR FURTHER INFORMATION CONTACT:** Ronald Quirk or Shellie Blakeney, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, (202) 418-0680, or via E-mail to "rquirk@fcc.gov" or "sblakene@fcc.gov." Also, Sam Gumbert, Commercial Wireless Division, Licensing and Technical Analysis Branch, (202) 418-1337, or via E-mail to "sgumbert@fcc.gov."

3. On page 53351, in the second column, after the last line, the following attachment listing the MAS applications filed under part 22 of the Commission's rules is added to the document.

Federal Communications Commission.

Stephen L. Markendorff,

Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.

Attachment

The following applications for Multiple Address System were under Part 22 of the Commission's Rules.

AAT RADIOTELEPHONE COMPANY, STATEN ISLAND, NY: Fee Number: CD9201138924011014

AAT RADIOTELEPHONE COMPANY, STATEN ISLAND, NY: Fee Number: CD9201138924011015

AAT RADIOTELEPHONE COMPANY, STATEN ISLAND, NY: Fee Number: CD9201138924011018

AGR BEEPERS INC, WEST PALM BEACH, FL: Fee Number: CD9201168924013001

AMERICAN BEEPER COMPANY INC, CHICAGO, IL: Fee Number: CD9201238924019001

AMERICAN PAGING INC OF ARIZONA, PHOENIX, AZ: Fee Number: CD9202108924045003

AMERICAN PAGING INC OF KENTUCKY, SHELBYVILLE, KY: Fee Number: CD9201238924019003

AMERICAN PAGING INC OF VIRGINIA, PRINCE FREDERICK, MD: Fee Number: CD9201108924005022

AMERICAN PAGING INC OF VIRGINIA, FREDERICK, MD: Fee Number: CD9201108924005024

AMERICAN PAGING INC OF VIRGINIA, SILVER SPRING, MD: Fee Number: CD9201108924005025

ARCH CAPITOL DISTRICT INC, FAIRPORT, NY: Fee Number: CD9201138924007001

ARCH CAPITOL DISTRICT INC, LAFAYETTE, NY: Fee Number: CD9201138924007002

ARCH CAPITOL DISTRICT INC, PATTERSONVILLE, NY: Fee Number: CD9201138924007007

ARCH CAPITOL DISTRICT INC, PATTERSONVILLE, NY: Fee Number: CD9201138924007011

ARCH CAPITOL DISTRICT INC, DEERFIELD TWP, NY: Fee Number: CD9201138924007012

ARCH CAPITOL DISTRICT INC, NEW SALEM, NY: Fee Number: CD9201138924007013

ARCH CAPITOL DISTRICT INC, PATTERSONVILLE, NY: Fee Number: CD9201138924007014

ARCH CAPITOL DISTRICT INC, NEW SALEM, NY: Fee Number: CD9201138924007015

ARCH CAPITOL DISTRICT INC, NEW YORK, NY: Fee Number: CD9201138924007016

ARCH CAPITOL DISTRICT INC, BUFFALO, NY: Fee Number: CD9201138924007017