

INTELSAT or any successor or separated entity will continue to qualify as an "international organization" for purposes of the special immigrant provision of INA 101(a)(27)(I), relating to certain international organization aliens and family members.

On January 11, 2002, the Department published an interim rule to implement these new provisions, and on April 17, 2002, the Department published a second interim rule to revise the interim regulation to further clarify the status of privatized INTELSAT and the personnel affected. As made clear in the second interim rule, Public Law 106-396 confers the status of international organization on privatized INTELSAT only in connection with the special immigrant provision in INA section 101(a)(27)(I). It also allows certain officers and employees of privatized INTELSAT to retain their G-4 status despite the fact that INTELSAT, once privatized, no longer meets the definition of international organization for purposes of visa classification under INA 101(a)(15)(G). Additionally, as the second interim rule clarified, Public Law 106-396 does not provide for G-5 status for servants of privatized INTELSAT officers and employees.

Were Comments Solicited on This Rule?

The Department solicited comments to be received no later than June 17, 2002. No comments were received.

Final Rule

■ The Department's interim rule published on April 17, 2002 [67 FR 18821] provided all the amendments to 22 CFR 41.24. Since there are no further amendments necessary to the Department's interim rule, the Department does not feel it necessary to republish the text of the interim. The interim rule is therefore being incorporated herein as a final rule.

Dated: May 6, 2003.

Maura Harty,

Assistant Secretary for Consular Affairs,
Department of State.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Definition for Multipurpose Dry-Chemical Fire Extinguisher

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Technical amendment.

SUMMARY: This technical amendment moves the definition for *multipurpose dry-chemical fire extinguisher* in subparts C and E of 30 CFR parts 56 and 57 to the general definitions section in subpart A of these parts. This action is necessary to eliminate confusion regarding compliance with the requirements for multipurpose dry-chemical fire extinguishers caused by it having two definitions, one in subpart A and a different one in subparts C and E.

EFFECTIVE DATES: May 30, 2003.

FOR FURTHER INFORMATION CONTACT:

Marvin W. Nichols, Director; Office of Standards, Regulations, and Variances, MSHA; Phone: (202) 693-9440; FAX: (202) 693-9441; E-mail: nichols-marvin@msha.gov.

SUPPLEMENTARY INFORMATION:

Regulatory History

The definition for *multipurpose dry-chemical fire extinguisher* in subpart A of existing 30 CFR 56/57.2 states—

Multipurpose dry-chemical fire extinguisher means a listed or approved multipurpose dry-chemical fire extinguisher having a minimum rating of 2-A:10-B:C, by Underwriters Laboratories, Inc., and containing a minimum of 4.5 pounds of dry-chemical agent.

In 1985, MSHA promulgated a final rule [50 FR 4022] revising its "Fire Prevention and Control" standards for metal and nonmetal mines in subpart C of 30 CFR parts 56 and 57. The definition for *multipurpose dry-chemical fire extinguisher* in final §§ 56/57.4000 states—

An extinguisher having a rating of at least 2-A:10-B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

In 1991, MSHA promulgated a final rule [56 FR 46508] revising its "Explosives" standards for metal and nonmetal mines in subpart E of 30 CFR parts 56 and 57. The definition for *multipurpose dry-chemical fire extinguisher* in final §§ 56/57.6000 of "Subpart E—Explosives" is identical to that contained in §§ 56/57.4000 of "Subpart C—Fire Prevention and Control."

With the publication of the final rules for "Subpart C—Fire Prevention and Control" and "Subpart E—Explosives," the definition for *multipurpose dry-chemical fire extinguisher* in subpart A became irrelevant because this term is used only in subparts C and E.

Discussion of Changes

The definition for *multipurpose dry-chemical fire extinguisher* in subpart A (§§ 56/57.2) differs from the one in

subpart C (§§ 56/57.4000) and subpart E (§§ 56/57.6000) in two ways. First, the definition in subpart A uses the word "minimum" instead of "nominal" in characterizing the amount of dry-chemical agent required. The preamble to the final rule for "Subpart C—Fire Prevention and Control," however, states that—

* * * Because fire equipment manufacturers designate the weight of dry-chemical agent in an extinguisher by "nominal" weight rather than by "minimum" weight, the final rule uses the term "nominal" and clarifies that the nominal weight must be 4.5 pounds or more.

Second, the definition in subpart A specifies that the multipurpose dry-chemical fire extinguisher be "listed or approved * * * by Underwriters Laboratories, Inc." The preamble to the final rule for "Subpart C—Fire Prevention and Control," however, states that—

The final rule defines multipurpose dry-chemical fire extinguishers as those meeting at least the nationally recognized criteria for extinguishers with a 2-A:10-B:C rating. * * * Approval organizations, such as the Underwriters Laboratories, Inc. and Factory Mutual Research Corporation test and list fire extinguishers meeting this rating.

Although the more recent definition in subparts C and E differs slightly from subpart A, the intent of the definition remains the same. This disparity, however, has created confusion for some fire extinguisher manufacturers and mine inspectors.

To eliminate any confusion and redundancy, this technical amendment (1) replaces the outdated and unnecessary definition for *multipurpose dry-chemical fire extinguisher* in subpart A of 30 CFR parts 56 and 57 with the most current definition from subparts C and E of these parts; and (2) removes the redundant definitions of *multipurpose dry-chemical fire extinguisher* from subparts C and E.

List of Subjects in 30 CFR Parts 56 and 57

Fire prevention, Mine safety and health.

Dated: May 16, 2003.

John R. Correll,

Acting Assistant Secretary of Labor for Mine Safety and Health.

■ For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, MSHA is amending chapter I, parts 56 and 57 of title 30 of the Code of Federal Regulations as follows:

PART 56—[AMENDED]

■ 1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

■ 2. Section 56.2 is amended by revising the definition for *Multipurpose dry-chemical fire extinguisher* to read as follows:

§ 56.2 Definitions.

* * * * *

Multipurpose dry-chemical fire extinguisher means an extinguisher having a rating of at least 2-A:10-B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

■ 3. Section 56.4000 is amended by removing the definition for *Multipurpose dry-chemical fire extinguisher*.

■ 4. Section 56.6000 is amended by removing the definition for *Multipurpose dry-chemical fire extinguisher*.

PART 57—[AMENDED]

■ 5. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

■ 6. Section 57.2 is amended by revising the definition for *Multipurpose dry-chemical fire extinguisher* to read as follows:

§ 57.2 Definitions.

* * * * *

Multipurpose dry-chemical fire extinguisher means an extinguisher having a rating of at least 2-A:10-B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

* * * * *

■ 7. Section 57.4000 is amended by removing the definition for *Multipurpose dry-chemical fire extinguisher*.

■ 8. Section 57.6000 is amended by removing the definition for *Multipurpose dry-chemical fire extinguisher*.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720-AA66

TRICARE Program; Eligibility and Payment Procedures for CHAMPUS Beneficiaries Age 65 and Over

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule; correction.

SUMMARY: This final rule is republished to correct errors originally published. It is to implement section 712 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. Section 712 extends TRICARE eligibility to persons age 65 and over who would otherwise have lost their TRICARE eligibility due to attainment of entitlement to hospital insurance benefits under Part A of Medicare. This benefit, which has been named TRICARE for Life (TFL), was implemented on October 1, 2001, under an interim final rule published in the **Federal Register** on August 3, 2001.

DATES: This rule was effective October 1, 2001.

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

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

SUPPLEMENTARY INFORMATION: For background information on this rule, see the original submission published on April 30, 2003 (68 FR 23030).

List of Subjects in 32 Part 199

Claims, Handicapped, Health insurance, Military personnel.

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

PART 199—[AMENDED]

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

Authority: 5 U.S.C. 301 and 10 U.S.C. chapter 55.

■ 2. Section 199.2(b) is amended by revising the definition for *Director, TRICARE Management Activity*.

§ 199.2 Definitions.

* * * * *

(b) * * *

Director, TRICARE Management Activity. This term includes the Director, TRICARE Management Activity, the official sometimes referred to in this part as the Director, Office of CHAMPUS (or OCHAMPUS), or any designee of the Director, TRICARE Management Activity or the Assistant Secretary of Defense for Health Affairs who is designated for purposes of an action under this part.

■ 3. Section 199.3 is amended by revising paragraphs (b)(2)(i)(D) (f)(3)(vi), and (f)(3)(vii) and the note following paragraph (f)(3)(vii), to read as follows:

§ 199.3 Eligibility.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(D) Must not be eligible for Part A of Title XVIII of the Social Security Act (Medicare) except as provided in paragraphs (b)(3), (f)(3)(vii), (f)(3)(viii), and (f)(3)(ix) of this section; and

* * * * *

(f) * * *

(3) * * *

(vi) Attainment of entitlement to hospital insurance benefits (Part A) under Medicare except as provided in paragraphs (b)(3), (f)(3)(vii), (f)(3)(viii), and (f)(3)(ix) of this section. (This also applies to individuals living outside the United States where Medicare benefits are not available.)

(vii) Attainment of age 65, except for dependents of active duty members, beneficiaries not entitled to part A of Medicare, beneficiaries entitled to Part A of Medicare who have enrolled in Part B of Medicare, and as provided in paragraph (b)(3) of this section. For those who do not retain CHAMPUS, CHAMPUS eligibility is lost at 12:01 a.m. on the first day of the month in which the beneficiary becomes entitled to Medicare.

Note: If the person is not eligible for Part A of Medicare, he or she must file a Social Security Administration, "Notice of Disallowance" certifying to that fact with the Uniformed Service responsible for the issuance of his or her identification card so a new card showing CHAMPUS eligibility can be issued. Individuals entitled only to supplementary medical insurance (Part B) of Medicare, but not Part A, or Part A through the Premium HI provisions (provided for under the 1972 Amendments to the Social Security Act) retain eligibility under CHAMPUS (refer to § 199.8 for additional information when a double coverage situation is involved).

* * * * *

■ 4. Section 199.8 is amended by revising paragraphs (c)(6) and (d)(1) to read as follows:

§ 199.8 Double coverage.

* * * * *

(c) * * *

(6) *Lack of payment by double coverage plan.* Amounts that have been denied by a double coverage plan simply because a claim was not filed timely or because the beneficiary failed to meet some other requirement of coverage cannot be paid. If a statement from the double coverage plan as to how much that plan would have paid had the claim met the plan's requirements is provided to the CHAMPUS contractor, the claim can be processed as if the