

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by adding the following new AD:

**Dassault Aviation:** Docket No. FAA-2008-0729; Directorate Identifier 2008-NM-052-AD.

**Comments Due Date**

(a) We must receive comments by August 6, 2008.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Dassault Model Mystere-Falcon 900 airplanes from serial number (S/N) 1 to 200 inclusive; Model Falcon 900EX airplanes from S/N 1 to 129 inclusive; and Model Falcon 2000 airplanes from S/N 01 to 210 inclusive; when fitted with a third crew member control panel; certificated in any category.

**Subject**

(d) Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

**Reason**

(e) The mandatory continuing airworthiness information (MCAI) states: This Airworthiness Directive (AD) is issued following the discovery of a potential chafing between the rheostat of the 3rd crew member control panel reading light and the air gasper flexible hose, or with the electrical wires nearby. If left uncorrected, this chafing may expose the metallic spiral armature of the flexible hose, or damage the

electrical wires insulation, which could result in a short-circuit generating sustained overheating and smoke emission.

This AD requires an inspection of the air gasper installation in the 3rd crew control panel of the LH [left-hand] and RH [right-hand] crew closet for interference and damage and applicable related corrective actions.

The corrective actions include replacing the flexible hose and installing ROUNDIT insulation sleeving to the wires near the rheostat.

**Actions and Compliance**

(f) Within 7 months after the effective date of this AD, unless already done, do a detailed inspection of the air gasper installation in the 3rd crew member control panel of the left-hand and right-hand crew closet for interference and damage, and do all applicable related corrective actions as instructed in the Accomplishment Instructions of the applicable service information listed in Table 1 of this AD. Corrective actions must be done before further flight.

TABLE 1.—SERVICE INFORMATION

Dassault Service Bulletin	Date
F900-360 .....	July 20, 2005.
F900EX-261 .....	July 20, 2005.
F2000-316 .....	July 27, 2005.

**FAA AD Differences**

**Note:** This AD differs from the MCAI and/or service information as follows: No differences.

**Other FAA AD Provisions**

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection

requirements and has assigned OMB Control Number 2120-0056.

**Related Information**

(h) Refer to MCAI European Aviation Safety Agency (EASA) Airworthiness Directive 2008-0013, dated January 24, 2008, and the service information listed in Table 1 of this AD, for related information.

Issued in Renton, Washington, on June 24, 2008.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8-15370 Filed 7-3-08; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[DOD-2007-HA-0127]

**32 CFR Part 199**

RIN 0720-AB18

**TRICARE: Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Changes Included in the John Warner National Defense Authorization Act for Fiscal Year 2007; Authorization of Forensic Examinations**

**AGENCY:** Department of Defense.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule implements section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364. Section 701 amends Chapter 55 of title 10 section 1079(a) of the U.S.C. by authorizing coverage for forensic examinations following a sexual assault or domestic violence for eligible beneficiaries. This authorizes forensic examinations following sexual assault or domestic violence provided in civilian health care facilities (e.g., civilian rape crisis facilities), which is consistent with the services that are authorized in Military Medical Treatment Facilities for all beneficiaries who were victims of a sexual assault or domestic violence.

**DATES:** Written comments will be accepted until September 5, 2008.

**ADDRESSES:** You may submit comments, identified by docket number or Regulatory Information Number (RIN) and title, by any of the following methods:

- The Web site: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20302-1160.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Margaret A. Brown, Office of Medical Benefits and Reimbursement Systems, TRICARE Management Activity, telephone (303) 676-3581.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

This proposed rule implements section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007, which establishes coverage of contracted medical care with respect to forensic examinations following a sexual assault or domestic violence. TRICARE currently pays for and will continue to pay for all emergency room services delivered to a victim. TRICARE does not reimburse for the forensic examination, which presented a problem for beneficiaries in the past. Although most States have laws that designate payment sources to cover the costs of forensic examinations for sexual assault victims (some States even prohibit billing victims), some beneficiaries who were victims of a sexual assault have received a bill for the forensic examination.

Currently, forensic examinations are not covered for beneficiaries in civilian health care facilities through TRICARE medical plan contracts because TRICARE, under 10 U.S.C. 1079(a)(13), may cost share only medically or psychologically necessary services or supplies. Forensic examinations are not conducted for medical treatment purposes, but for preservation of evidence in any future criminal investigation and/or prosecution. However, there is a dual purpose of the examination process. One purpose is to address the needs of the individual disclosing sexual assault, which include evaluating and treating injuries; conducting prompt examinations; providing support, crisis intervention, and advocacy; providing prophylaxis against sexually transmitted diseases; assessing female patients for pregnancy risk and discussing treatment options, including reproductive health services; and providing follow-up care for medical and emotional needs. The other purpose is to address justice system

needs. The needs for justice system are: obtaining a history of the assault, documenting exam findings, properly collecting, handling, and preserving evidence, and interpreting and analyzing findings (post exam) and subsequently, presenting findings and providing factual and expert opinion related to the exam and evidence collection.

*Forensic Examination (Rape Kits)*

A rape kit is used to collect and preserve the evidence. Rape kits (also known as early evidence kits) typically include forms for documentation of what is observed, tubes for blood samples, a urine sample container (for detecting drugs that may have been used to facilitate a sexual assault), cotton swabs for biological evidence collection, sterile water, sterile saline, glass slides, unwaxed dental floss, a wooden stick for fingernail scrapings, envelopes or boxes for individual evidence samples, labels for each item and paper bags for clothing collection and a large sheet of paper for patient to undress over. The victim's clothing is collected for any external evidence and new clothes are provided. Forensic examinations can take up to 4 hours.

Forensic examinations are currently paid for active duty members with supplemental care, which under 10 U.S.C. 1074(c)(1), does not have the same requirement for medical or psychological necessity. All beneficiaries are covered if they are examined in a military treatment facility. The forensic examination becomes an issue when services are provided in a civilian health care facility. Eighteen States have mechanisms in place that require civilian health care facilities to bill a State agency directly. Certain other States, to some degree, have mechanisms to minimize the possibility of invoicing the beneficiary. This proposed rule puts into place a mechanism that allows civilian health care facilities to invoice TRICARE for reimbursement of forensic examinations.

We believe that a large portion of the costs for the examinations are probably already being paid by TRICARE as most services associated with a forensic exam are covered benefits under any circumstance; and if a claim from a health care facility is submitted with the appropriate procedure code the claim would be paid. What is not being cost-shared are the examinations to gather information for the justice system. In a civilian facility, the victim's private insurance should not be billed for the cost of the examination. This stipulation

has been made pursuant to the Federal Victims of Crime Act (VOCA). A reimbursement request from a provider under the VOCA should only be submitted for a victim who is not covered by a Federal or federally funded program, such as Medicare, Medicaid, TRICARE or the Department of Veterans Affairs. This proposed rule amends the regulation to ensure that forensic examinations following sexual assault or domestic violence are specifically listed as a covered benefit.

**II. Regulatory Procedures**

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

It has been certified that 32 CFR 199.4(e)(27) does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

*Sec. 202, Pub. L. 104-4, "Unfunded Mandates Reform Act"*

It has been certified that 32 CFR 199.4(e)(27) 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)*

It has been certified that 32 CFR 199.4(e)(27) is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

*Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)*

It has been certified that 32 CFR 199.4(e)(27) does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

*Executive Order 13132, "Federalism"*

It has been certified that 32 CFR 199.4(e)(27) does not have federalism implications, as set forth in Executive

Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of Government.

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

Claims, Health care, Health insurance, Military personnel.

Accordingly, 32 CFR part 199 is proposed to be 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 199.4 is amended by adding paragraph (e)(27) to read as follows:

#### § 199.4 Basic program benefit.

\* \* \* \* \*

(e) \* \* \*

(27) TRICARE will cost share forensic examinations following a sexual assault or domestic violence. The forensic examination includes a history of the event and a complete physical and collection of forensic evidence, and medical and psychological follow-up care. The examination for sexual assault also includes, but is not limited to, a test kit to retrieve forensic evidence, testing for pregnancy, testing for sexual transmitted disease and HIV, and medical services and supplies for prevention of sexually transmitted diseases, HIV, pregnancy, and counseling services.

\* \* \* \* \*

Dated: June 30, 2008.

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

[FR Doc. E8-15350 Filed 7-3-08; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

[No. USN-2008-0009]

#### 32 CFR Part 726

RIN 0703-AA85

#### Payments of Amounts Due Mentally Incompetent Members of the Naval Service

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Navy is amending its rules to update existing sections relating to the authority and procedures to designate trustees for Navy and Marine Corps service members who have been determined to be mentally incompetent pursuant to 37 U.S.C. Chapter 11. The proposed amendments will comport with current policy reflected in Chapter XIV of the Manual of the Judge Advocate General (JAGMAN).

**DATES:** *Comment Date:* Interested parties should submit written comments on or before September 5, 2008.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>.

Follow the instructions for submitting comments.

*Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket or RIN number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant Tanya M. Cruz, JAGC, U.S. Navy, Office of the Judge Advocate General (Administrative Law), Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone: 703-604-8216.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy is amending 32 CFR part 726 to comport with current policy as stated in Chapter XIV of the JAGMAN governing the authority and procedures to designate trustees for members of the Naval service who have been determined to be mentally incompetent in accordance with 37 U.S.C. Chapter 11. As a result of organizational change in the Office of the Judge Advocate General, the functions under Chapter XIV were transferred from the Judge Advocate General to the Defense Finance and Accounting Service—Cleveland Center (DFAS-CL), Office of Continuing Government Activity (CGA). The transfer of functions and the responsibilities of DFAS have been incorporated into the JAGMAN. The proposed rule will update the existing

section to reflect current agency regulations. Interested persons are invited to comment in writing on this amendment. All written comments received will be considered in making the proposed amendments to 32 CFR part 726. It has been determined that this proposed rule amendment is not a major rule within the criteria specified in Executive Order 12866, as amended by Executive Order 13258, and does not have substantial impact on the public.

#### Matters of Regulatory Procedure

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

It has been determined that 32 CFR part 726 is not a significant regulatory action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of the recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

*Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)*

It has been certified that 32 CFR part 726 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 96-511. "Paperwork Reduction Act" (44 U.S.C. Chapter 35)*

It has been certified that 32 CFR part 726 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

*Federalism (Executive Order 13132)*

It has been certified that 32 CFR part 726 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.