

Material Incorporated by Reference

(i) You must use 328 Support Services Service Bulletin SB-328-27-483, dated December 30, 2008, including Compliance Report; or 328 Support Services Service Bulletin SB-328J-27-233, dated December 30, 2008, including Compliance Report; as applicable; to do the actions required by this AD, unless the AD specifies otherwise. (Only the odd-numbered pages of these documents contain the issue date of the documents.)

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact 328 Support Services GmbH, Global Support Center, P.O. Box 1252, D-82231 Wessling, Federal Republic of Germany; telephone +49 8153 88111 6666; fax +49 8153 88111 6565; e-mail gsc.op@328support.de; Internet <http://www.328support.de>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on April 29, 2009.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 199**

[Docket ID: DOD-2007-HA-0048]

TRICARE; Hospital Outpatient Prospective Payment System (OPPS): Statement Concerning Additional Public Comments Following Final Rule Issuance

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Response to comments.

SUMMARY: This document is to inform the public of DoD's views regarding the additional public comments that were invited by the document published February 6, 2009 (74 FR 6228), on the final rule issued December 10, 2008 (73 FR 74945). DoD is making no changes to the final rule as implementation of the

Temporary Military Contingency Payment Adjustment (TMCPA) included in the final rule will accommodate the major concerns expressed in the additional public comments.

DATES: *Effective Date:* The effective date of the final rule issued December 10, 2008, is unchanged; it continues to be May 1, 2009.

FOR FURTHER INFORMATION CONTACT: David Bennett or Martha M. Maxey, TRICARE Management Activity (TMA), Medical Benefits and Reimbursement Branch; *telephone:* (303) 676-3494 or (303) 676-3627.

SUPPLEMENTARY INFORMATION:

DoD received approximately 300 public comments during the additional comment period, mostly following a similar pattern from or on behalf of hospitals. In the additional public comments received, there were three predominant themes: (1) That for some hospitals, particularly some close to military installations, TRICARE OPPS would have a significant financial impact; (2) DoD should follow the Medicare precedent in making first-year OPPS implementation cost neutral; and (3) DoD should follow the TRICARE CHAMPUS Maximum Allowable Charge physician payment system reform precedent and limit reductions to no more than 15 percent per year during the transition period.

DoD is not making any changes to the final rule. Implementation of the TMCPAs under the final rule will accommodate the concerns expressed by hospitals. TMA has provided instructions to TRICARE Regional Offices on TMCPAs and included additional guidance in the TRICARE Reimbursement Manual, Chapter 13, Section 3, paragraph III.D.5.g. at <http://manuals.tricare.osd.mil>. A Transitional Adjustment Information Paper is also available on TMA's OPPS Web site at <http://www.tricare.mil/opps/>.

Dated: May 5, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 100**

[Docket No. USCG-2009-0107]

RIN 1625-AA08

Special Local Regulations for Marine Events; Patuxent River, Patuxent River, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for "U.S. Naval Air Station Patuxent River Air Expo 2009", an aerial demonstration to be held over the waters of the Patuxent River adjacent to Patuxent River, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action will restrict vessel traffic in portions of the Patuxent River during the aerial demonstration.

DATES: This rule is effective from May 21 through May 24, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2009-0107 and are available online by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG-2009-0107 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Dennis Sens, Project Manager, Fifth Coast Guard District, Prevention Division, at 757-398-6204 or e-mail at Dennis.M.Sens@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

On March 24, 2009, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; Patuxent River, Patuxent