

Basic dental care encompasses diagnostic and preventive (exams, x-rays, cleanings, etc.), sealants, restorative (fillings, crowns, etc.), endodontics (root canals, etc.), periodontics (gum surgery, etc.), oral surgery (extractions, etc.), and prosthodontics (bridges, dentures, etc.) While the annual cap of \$1,000 and lifetime cap of \$1,200 for orthodontic care is applicable in these overseas locations, the Department will pay the enrollee's cost-share for some non-orthodontic services as well as any difference between the provider's billed charge and the dental claims processor's allowance, subject to the amount remaining on the enrollee's annual or lifetime maximum.

This final rule will allow dental claims to be paid on a "billed charge" basis. Billed charges are charges submitted by host nation dental providers for the costs of dental care in their country. These charges are not based on Diagnostic Related Groups nor are they expected to be developed based on American Dental Association current dental terminology codes.

Since publication of the interim final rule, section 732 of the National Defense Authorization Act for Fiscal Year 1998 authorized the Secretary to waive or reduce cost-shares in overseas areas. Therefore, the Department has implemented procedures to waive the cost shares for certain non-orthodontic benefits as long as the enrollee has not exceeded their annual maximum. The previous procedures for waivers to the annual and lifetime maximums are no longer applicable.

Additionally, the interim final rule stated that enrollees in remote locations would not be required to obtain an NAS to receive dental services. The Department has changed that provision so that enrollees in remote locations will be required to obtain an NAS from their respective overseas lead agent prior to receiving orthodontic care. This change provides an opportunity for the overseas lead agent to make referrals to designated host nation orthodontists, monitor and approve treatment plans and advise enrollees of other options. It also provides appropriate oversight in a benefit area where only a one-time lifetime benefit is available.

Finally, the interim final rule limited the benefit to family members accompanying their active duty sponsors while overseas. That provision has been deleted because the overseas extension was designated to be portable and available to enrolled family members traveling or residing overseas with or without their sponsor.

II. Public Comments

The interim final rule was published on July 25, 1997 (62 FR 33940). We did not receive any public comments.

III. Rulemaking Procedures

Executive Order 12866 requires certain regulatory assessments for any "significant regulatory action," defined as one which would result in an annual effect on the economy of \$100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that 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 is not a significant regulatory action under the provisions of Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

The final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 55).

List of Subjects in 32 CFR Part 199

Claims, Health insurance, Individuals with disabilities and 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 199.13 is amended by revising paragraph (i) to read as follows:

§ 199.13 Active duty dependents dental plan.

* * * * *

(i) *Extension of the Active Duty Dependents Dental Plan to areas outside the United States.* The Assistant Secretary of Defense (Health Affairs) (ASD(HA)) may, under the authority of 10 U.S.C. 1076a(h), extend the Active Duty Dependents Dental Plan to areas other than those areas specified in paragraph (a)(2)(i) of this section for the eligible beneficiaries of members of the Uniformed Services. In extending the program outside the Continental United States, the ASD(HA), or designee, is authorized to establish program elements, methods of administration and payment rates and procedures to providers that are different from those in effect under this section in the Continental United States to the extent

the ASD(HA), or designee, determines necessary for the effective and efficient operation of the plan outside the Continental United States. This includes provisions for preauthorization of care if the needed services are not available in a Uniformed Service overseas dental treatment facility and payment by the Department of certain cost-shares and other portions of a provider's billed charges. Other differences may occur based on limitations in the availability and capabilities of the Uniformed Services overseas dental treatment facility and a particular nation's civilian sector providers in certain areas. Otherwise, rules pertaining to services covered under the plan and quality of care standards for providers shall be comparable to those in effect under this section in the Continental United States and available military guidelines. In addition, all provisions of 10 U.S.C. 1076a shall remain in effect.

Dated: July 13, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AJ39

Veterans Education: Effective Date for Reducing Educational Assistance

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations pertaining to the effective dates of reductions or discontinuances of monthly payments of educational assistance under the Montgomery GI Bill—Active Duty. Pursuant to statutory authorization, VA requires veterans or servicemembers to certify their continued pursuit of a program of education before they may receive such monthly payments. VA further provides for reductions in the rates of educational assistance in the event the veteran or servicemember reduces the rate of training by withdrawing from part of a course. By statute, the effective date of an adjustment of benefits made on the basis of a monthly certification by a veteran or person is the date of the change. This document revises the regulations to reflect the statutory effective date.

DATES: Effective Date: July 19, 1999.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Adviser, Education Service, Veterans Benefits Administration (202) 273-7187.

SUPPLEMENTARY INFORMATION: The provisions of 38 U.S.C. 3680(g) allow VA to require eligible veterans and eligible persons to certify their continued pursuit of a program of education before they may receive their monthly payment of educational assistance.

VA requires such certification by regulation for individuals receiving educational assistance under the Montgomery GI Bill—Active Duty (MGIB) (38 CFR 21.7154). Further, VA regulations provide for reduction of educational benefits where a veteran or servicemember withdraws from part of a course (38 CFR 21.7135(f)). By statute, any adjustment of benefits made on the basis of certification is effective as of the date of the occurrence (38 U.S.C. 5113(b)).

Previously, 38 CFR 21.7135(f)(1) provided that the effective date for reduction of a veteran's or servicemember's educational assistance was the earlier of the end of the month or the end of the term in which the withdrawal from part of a course occurred. The regulations are now revised to reflect the statutory requirement that the date of change is the effective date.

Nonsubstantive changes also are made for the purpose of clarity.

Substantive changes made by this final rule merely reflect statutory requirements. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612 and does not directly affect small entities. This final rule directly affects only individuals. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health programs,

Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 22, 1999.

Togo D. West, Jr.,
Secretary of Veterans Affairs.

For the reasons set out above, 38 CFR part 21, subpart K is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

1. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

2. In § 21.7135, paragraph (f)(1) introductory text and the authority citations for paragraphs (f)(2) and (f)(3) are revised to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *

(f) * * *

(1) If the reduction in the rate of training occurs other than on the first date of the term, VA will reduce the veteran's or servicemember's educational assistance effective the date on which the withdrawal occurs when either:

* * * * *

(2) * * *

(Authority: 38 U.S.C. 3680(a))

(3) * * *

(Authority: 38 U.S.C. 3034, 3680(a), 5113(b))

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA52-1-7422a; FRL-6378-3]

Approval and Promulgation of Air Quality State Implementation Plans; Louisiana; Approval of Clean Fuel Fleet Substitution Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action on approving Louisiana's State

Implementation Plan (SIP) revision because it adequately demonstrates that the Louisiana Clean Fuel Fleet (CFF) substitute program achieves equivalent or better long term reductions in emissions of ozone producing and toxic air pollutants than the Federal CFF program. A detailed rationale for the approval is set forth in the accompanying Technical Support Document.

DATES: This rule is effective on September 17, 1999 without further notice, unless we receive adverse comment by August 18, 1999. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of the documents about this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least two working days in advance before the visiting day.

Environmental Protection Agency, Region 6, Air Planning Section, (6PD-L), Multimedia Planning and Permitting Division, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana, 70810.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7354 or via e-mail at scoggins.paul@epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region 6 address.

SUPPLEMENTARY INFORMATION: This supplemental information section is organized as follows:

What action is EPA taking?
What is the background?
What did the State submit?
What is the process for EPA approval of this action?

What Action is EPA Taking?

After review of the SIP revision request, we find the Louisiana's substitution plan for the Federal CFF program requirements to be approvable because the revision adequately demonstrated Volatile Organic Compounds (VOC) emission reductions that are sufficient to meet or exceed the