

**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