

implement TOPS as of January 1, 2010. The PPACA also expanded the hold harmless provision to all SCHs.

TTOPs will be made to qualifying hospitals that have OPSS costs that are greater than their TRICARE allowed amounts using a method similar to Medicare. TRICARE will pay an amount equal to 85 percent of the difference between the estimated OPSS costs and the OPSS payment.

The process for determining the TTOPs will be outlined in a future revision to the TRICARE Reimbursement Manual. The TRICARE Reimbursement Manual is available at <http://manuals.tricare.osd.mil/>.

Dated: June 20, 2012.

**Patricia Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2012-15504 Filed 6-25-12; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### **TRICARE; Revised Guideline for Determining the Outpatient Prospective Payment System (OPSS) General Temporary Military Contingency Payment Adjustment (TMCPA) Amount**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice of revised guideline for determining TRICARE's OPSS General TMCPA amount.

**SUMMARY:** This notice advises interested parties of a guideline concerning the methodology to calculate TRICARE's OPSS General TMCPA amount for qualifying hospitals.

**DATES:** The guideline for calculating TRICARE's OPSS General TMCPA amount is effective for OPSS year 4 (May 1, 2012–April 30, 2013) and subsequent years.

**ADDRESSES:** TRICARE Management Activity (TMA), Medical Benefits and Reimbursement Branch, 16401 East Centretech Parkway, Aurora, CO 80011-9066.

**FOR FURTHER INFORMATION CONTACT:** Ms. Martha M. Maxey, TMA, Medical Benefits and Reimbursement Branch, telephone (303) 676-3627.

**SUPPLEMENTARY INFORMATION:** TRICARE's OPSS Final Rule that was published in the **Federal Register** on December 10, 2008, states that TMCPAs are intended to provide additional payments above the Medicare payment level for hospitals that are "deemed essential for military readiness and

deployment in time of contingency operations."

The final rule stated that the procedures to be followed when submitting a TMCPA request would be outlined in the TRICARE Reimbursement Manual (TRM). For the first three OPSS years, (May 1, 2009–April 30, 2012), TMA implemented the criteria for General TMCPA payments and reviewed applications for General TMCPA payments. The TRM states that for qualifying hospitals, the General TMCPA adjustment cannot exceed 95 percent of the amount that would have been paid prior to implementation of OPSS.

We experienced two major problems with the approach:

1. The use of the current approach allows the payments to exceed the average payment-to-cost ratios (PCRs) paid by other payers. When DoD adopted the Medicare OPSS, the intent was to align our payment structure more closely with Medicare and assist those facilities that are "deemed essential for military readiness and deployment in time of contingency operations" by giving them a reasonable adjustment. As discussed below, paying hospitals up to 95 percent of the pre-OPSS amounts for hospital outpatient department services could be equivalent to reimbursing them at very high (PCRs), resulting in DoD paying higher rates than most purchasers of care at these facilities.

2. There is also a lack of fairness in the current method of determining General TMCPA payments for the various facilities because it is tied to the level of pre-OPSS allowed amounts. For the most part, pre-OPSS payments were made on the basis of the charges billed by the facility. DoD policy at that time was to pay these "billed charge amounts." Thus, using 95 percent of pre-OPSS allowed amounts could allow hospitals that had higher billed charges to receive higher levels of General TMCPA payments than those that had billed at lower "billed charge amounts" for the same services. This could be true even if a lower charging facility saw the same or greater number of DoD active duty and family members or if the facilities' percentage of revenue received from DoD were the same. This result is inequitable to the various facilities and inconsistent with the intent of the General TMCPA.

In an attempt to resolve these inequities, the Department looked at the rates paid by other private payers. A report published by the American Hospital Association (AHA) in December 2010 indicates that the aggregate PCRs for private payers are in the range of 1.15 to 1.35. A ratio of 1.0

means a hospital meets their costs and a ratio of greater than 1.0 means payments exceeds costs. Using an adjustment guideline to allow the Department to apply General TMCPA payments so that the total of payments to a qualifying hospital falls within these private pay norms was chosen as a method to more equitably meet DoD's objectives in making these payment adjustments. As a result, TRICARE is revising its guidelines for determining the level of payment for a General TMCPA from a maximum 95 percent of the pre-OPSS amount to a maximum PCR of 1.3 for OPSS year 4 (May 1, 2012–April 30, 2013) and subsequent years. The ratio 1.30 was selected because this is the average level of aggregate PCRs that AHA reports that hospitals have received from private payers during the 2003–2009 period. The use of a PCR as a guideline to determine the limit on the level of payment for General TMCPA payments is simple, transparent, and will provide fair and equitable payments to the qualifying hospitals and is supported by data indicating it is a reasonable approach.

The procedures that are to be followed when submitting a TMCPA request will be outlined in the TRM.

Dated: June 20, 2012.

**Patricia Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2458-198]

#### **Great Lakes Hydro America, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Application Type:* Amendment of License Article 408.

b. *Project No.:* 2458-198.

c. *Date Filed:* April 13, 2012.

d. *Applicant:* Great Lakes Hydro America, LLC.

e. *Name of Project:* Penobscot Mills.

f. *Location:* North Twin development, West Branch Penobscot River, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Kevin Bernier, Manager, Licensing and Compliance,

Great Lakes Hydro America, LLC, 1024 Central Street, Millinocket, ME 04462, (207) 723-4341, Ext. 118.

i. *FERC Contact*: John K. Novak, (202) 502-6076, [john.novak@ferc.gov](mailto:john.novak@ferc.gov).

j. Deadline for filing comments, motions to intervene, and protests, is July 23, 2012.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments.

Please include the project number (P-2458-198) on any comments, motions, or recommendations filed.

k. *Description of Request*: Great Lakes Hydro America, LLC requests Commission approval of amendment of Article 408 to eliminate the water level management requirements in the North Twin impoundment for lake trout spawning/incubation. The propagation of wild lake trout has not been successful after several years of controlling the reservoir levels in compliance with Article 408. Removal of reservoir level requirements for lake trout would provide more flexibility in providing power and non-power benefits at the development including the maintenance of higher flows to benefit the tailwater fishery. Great Lakes Hydro America, LLC proposes to request a modification to its Water Quality Certificate from the Maine Department of Environment Protection.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or

email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*: All filings must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 20, 2012.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2012-15521 Filed 6-25-12; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers*: EG12-78-000.

*Applicants*: NaturEner Rim Rock Wind Energy, LLC.

*Description*: Notice of Self Certification of Exempt Wholesale Generator Status of NaturEner Rim Rock Wind Energy, LLC.

*Filed Date*: 6/18/12.

*Accession Number*: 20120618-5059.

*Comments Due*: 5 p.m. ET 7/9/12.

*Docket Numbers*: EG12-79-000.

*Applicants*: NaturEner Glacier Wind Energy 1, LLC.

*Description*: Notice of Self Certification of Exempt Wholesale Generator Status of NaturEner Glacier Wind Energy 1, LLC.

*Filed Date*: 6/18/12.

*Accession Number*: 20120618-5073.

*Comments Due*: 5 p.m. ET 7/9/12.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers*: ER12-2041-001.

*Applicants*: ISO New England Inc., New England Power Pool Participants Committee.

*Description*: Errata to Defined Term Revisions to be effective 8/14/2012.

*Filed Date*: 6/18/12.

*Accession Number*: 20120618-5024.

*Comments Due*: 5 p.m. ET 7/9/12.

*Docket Numbers*: ER12-2057-000.

*Applicants*: NaturEner Glacier Wind Energy 1, LLC.

*Description*: Filing of Temporary Use Agreement and Request for Waivers and Expedited Action to be effective 6/19/2012.

*Filed Date*: 6/18/12.

*Accession Number*: 20120618-5045.

*Comments Due*: 5 p.m. ET 7/9/12.

*Docket Numbers*: ER12-2058-000.  
*Applicants*: Southwestern Electric Power Company.

*Description*: NTEC Sabine DPA to be effective 6/1/2012.

*Filed Date*: 6/18/12.

*Accession Number*: 20120618-5061.

*Comments Due*: 5 p.m. ET 7/9/12.

*Docket Numbers*: ER12-2059-000.