

**Cost Impact**

The FAA estimates that 173 de Havilland Model DHC-8-100, -200, and -300 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$10 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$43,250, or \$250 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

**Regulatory Impact**

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

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

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding the following new airworthiness directive:

**De Havilland, Inc.:** Docket 97-NM-63-AD.

**Applicability:** Model DHC-8-100, -200, and -300 series airplanes, serial numbers 3 through 483 inclusive, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent simultaneous power loss to both attitude and heading reference systems (AHRS), which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 400 flight hours after the effective date of this AD, modify the AHRS's, in accordance with Bombardier Alert Service Bulletin S.B. A8-34-117, Revision 'C', dated February 14, 1997.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on July 15, 1997.

**Gary L. Killion,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97-19141 Filed 7-21-97; 8:45 am]

BILLING CODE 4910-13-U

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-NM-52-AD]

RIN 2120-AA64

**Airworthiness Directives; Boeing Model 767 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes. This proposal would require repetitive inspections to detect corrosion or plating cracks of the pin assemblies in the forward trunnion support of the main landing gear (MLG), and replacement of the pin assembly with a new assembly, if necessary. Such replacement, if accomplished, would constitute terminating action for the repetitive inspections. This proposal is prompted by reports indicating that these pin assemblies were found to have corroded as a result of plating cracks. The actions specified by the proposed AD are intended to detect and correct such corrosion and plating cracks, which could cause breakage of these assemblies, and consequent collapse of the MLG.

**DATES:** Comments must be received by September 2, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-52-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227-2783; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-NM-52-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-52-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The FAA has received several reports of corrosion on pin assemblies in the forward trunnion support of the main landing gear (MLG) installed on Boeing Model 767 series airplanes. At the time these corroded pin assemblies were found, the airplanes had accumulated between 6,900 and 12,600 total landings.

The manufacturer performed a review of several pin assemblies and determined that the bond between the 4330M Steel pin and its Class 2 chrome plating is not sufficient to prevent the plating from cracking and peeling. Such cracking and peeling provide sites for moisture to corrode the pin. Corrosion of these pin assemblies, if not detected and corrected in a timely manner, could cause breakage of the pin assemblies, and consequent collapse of the MLG.

**Explanation of Relevant Service Information**

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-57A0047, Revision 1, dated May 9, 1996, which describes procedures for repetitive close visual inspections to detect corrosion or plating cracks of the 4330M Steel pin assemblies in the forward trunnion support of the MLG, and replacement of the pin assembly with a new assembly, if necessary. Replacement of pin assemblies with new ones made from a different material and finish would eliminate the need for further inspections of those assemblies. The new assemblies are made from 15-5PH CRES with Class 3 chrome plating, and are more resistant to corrosion and plating cracks.

**Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive close visual inspections to detect corrosion or plating cracks of the 4330M Steel pin assemblies in the forward trunnion support of the MLG, and replacement of the pin assembly with a new assembly, if necessary. Such replacement would constitute terminating action for the repetitive inspections.

The actions would be required to be accomplished in accordance with the service bulletin described previously.

**Cost Impact**

There are approximately 562 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 151 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 65 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$588,900, or \$3,900 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

**Regulatory Impact**

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

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

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding the following new airworthiness directive:

**Boeing:** Docket 97-NM-52-AD.

**Applicability:** Model 767 series airplanes having line positions 1 through 562 inclusive, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To detect and correct corrosion or plating cracks of the pin assemblies in the front trunnion support of the main landing gear (MLG), which could cause these assemblies to break and result in collapse of the MLG, accomplish the following:

(a) Perform a close visual inspection to detect corrosion or plating cracks of each 4330M Steel pin assembly in the forward trunnion support of the MLG, in accordance with Boeing Alert Service Bulletin 767-57A0047, Revision 1, dated May 9, 1996, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Within 4 years since date of manufacture of the airplane, or 4 years since the last overhaul of the MLG. Or

(2) Within 18 months after the effective date of this AD.

(b) If no corrosion or crack is detected, repeat the close visual inspection thereafter at intervals not to exceed 48 months.

(c) If any corrosion or crack is detected, prior to further flight, replace it with a new pin assembly made from 15-5PH CRES with Class 3 chrome plating, in accordance with Boeing Alert Service Bulletin 767-57A0047, Revision 1, dated May 9, 1996.

(d) Accomplishment of replacement of a 4330M Steel pin assembly with a new pin assembly made from 15-5PH CRES with Class 3 chrome plating, in accordance with Boeing Alert Service Bulletin 767-57A0047, Revision 1, dated May 9, 1996, constitutes terminating action for the inspections required by this AD for that pin location.

**Note 2:** Replacement of a 4330M Steel pin assembly with a new pin assembly made from 15-5PH CRES with Class 3 chrome plating prior to the effective date of this AD, in accordance with Boeing Service Bulletin 767-57A0047, dated January 19, 1995, is considered an acceptable method of compliance with paragraph (d) of this AD for that pin location.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on July 16, 1997.

**Gary L. Killion,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97-19176 Filed 7-21-97; 8:45 am]

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## DEPARTMENT OF VETERANS

### 38 CFR Part 17

RIN 2900-AH66

#### Payment for Non-VA Physician Services Associated with Either Outpatient or Inpatient Care Provided at Non-VA Facilities

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend Department of Veterans Affairs (VA) medical regulations concerning payment for non-VA physician services that are associated with either outpatient or inpatient care provided to eligible VA beneficiaries at non-VA facilities. We propose that when a service specific reimbursement amount has been calculated under Medicare's Participating Physician Fee Schedule, VA would pay the lesser of the actual billed charge or the calculated amount. We also propose that when an amount has not been calculated, VA would pay the amount calculated under a 75th percentile formula or, in certain limited circumstances, VA would pay the usual and customary rate. In our view, adoption of this proposal would establish reimbursement consistency among federal health benefits programs, would ensure that amounts paid to physicians better represent the relative resource inputs used to furnish a service, and, would, as reflected by a recent VA Office of Inspector General (OIG) audit of the VA fee-basis program, achieve program cost reductions. Further, consistent with statutory requirements, the regulations would continue to specify that VA payment constitutes payment in full.

**DATES:** Comments must be received on or before September 22, 1997.

**ADDRESSES:** Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave, NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AH66". All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

#### FOR FURTHER INFORMATION CONTACT:

Abby O'Donnell, Health Administration Service (161A), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 273-8307. (This is not a toll-free number)

**SUPPLEMENTARY INFORMATION:** This document proposes to amend the Department of Veterans Affairs (VA) medical regulations concerning payment (regardless of whether or not authorized in advance) for non-VA physician services associated with either outpatient or inpatient care provided to eligible VA beneficiaries at non-VA facilities.

Currently, VA pays for non-VA outpatient services based on fee schedules which are locally developed by VA health care facilities using a 75th percentile methodology. Payment under this 75th percentile methodology is determined for each VA medical facility by ranking all treatment occurrences (with a minimum of eight) under the corresponding Current Procedural Terminology (CPT) code during the previous fiscal year with charges ranked from the highest rate billed to the lowest rate billed. A value at the 75th percentile is then established as the maximum amount to be paid. Also, if there were fewer than eight occurrences in the previous fiscal year payment currently is made at the amount determined to be usual and customary. Further, inpatient non-VA physician services currently are paid at the usual and customary rate.

We propose to change the payment methodology for non-VA physician services (outpatient and inpatient) provided at non-VA facilities. More specifically, we propose to provide that payment would be the lesser of the amount billed or the amount calculated using the formula developed by the Department of Health & Human Services, Health Care Financing Administration (HCFA) under the Medicare's participating physician's fee schedule for the period in which the service is provided (see 42 CFR parts 414 and 415).

The payment amount for each service paid under Medicare's participating physician fee schedule is the product of three factors: A nationally uniform relative value for the service; a geographic adjustment factor for each physician fee schedule area; and a nationally uniform conversion factor for the service. There are three conversion factors (CFs)—one for surgical services, one for nonsurgical services, and one for primary care services. The conversion factors convert the relative values into payment amounts. For each physician fee schedule service, there are three relative values: An RVU for physician work; an RVU for practice expense; and an RVU for malpractice expense. For each of these components of the fee schedule, there is a geographic practice cost index (GPCI) for each fee schedule area. The GPICs reflect the relative costs