



Done in Washington, DC, this 29th day of December 1994.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-424 Filed 1-6-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-247-AD; Amendment 39-9117; AD 95-01-06]

Airworthiness Directives; Boeing Model 737-200 and -300 Series Airplanes Equipped With Cargo Doors Installed in Accordance With Supplemental Type Certificate (STC) SA2969SO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 737-200 and -300 series airplanes. This action requires inspections to detect cracking in the radii on the support

angles on the lower jamb (latch lug fittings) of the main deck cargo door, and replacement of cracked parts. This amendment is prompted by reports of premature fatigue cracking on the support angles on the lower jamb of the main deck cargo door. The actions specified in this AD are intended to prevent in-flight separation of the main deck cargo door from the airplane due to fatigue cracking on the support angles on the lower door jamb.

DATES: Effective January 24, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of January 24, 1995.

Comments for inclusion in the Rules Docket must be received on or before March 10, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-247-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Pemco Aeroplex, Inc., P.O. Box 2287, Birmingham, Alabama 35201-2287. This information may be examined at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, Aerospace Engineer, Airframe Branch, ACE-120A; FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7358; fax (404) 305-7348; or Della Swartz, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2785; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: Recently, an operator reported that it experienced difficulty in pressurizing a Boeing Model 737-300 series airplane. Investigation revealed that the airplane could not be pressurized because the main deck cargo door would not seal properly. Further investigation revealed that 13 of the 16 support angles on the lower jamb of the main deck cargo door

had failed due to premature fatigue cracking.

Following this incident, the FAA has received additional reports from operators of Boeing Model 737-200 and -300 series airplanes of fatigue cracking on the support angles on the lower jamb of the main deck cargo door.

Pemco Aeroplex installed main deck cargo doors on all of these airplanes in accordance with supplemental type certificate (STC) SA2969SO. Several of these airplanes had accumulated less than 4,000 total flight cycles since installation of the main deck cargo door.

Such cracking, if not detected and corrected in a timely manner, could result in in-flight separation of the main deck cargo door from the airplane.

The FAA has reviewed and approved Pemco Alert Service Letter 737-53-0003, Revision 3, dated December 22, 1994, which describes procedures for repetitive visual inspections to detect cracking in the radii on the support angles on the lower jamb of the main deck cargo door and replacement of cracked parts with new parts. This service letter permits further flight with parts that are cracked within certain limits.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent in-flight separation of the main deck cargo door from the airplane. This AD requires repetitive visual inspections to detect cracking in the radii on the support angles on the lower jamb of the main deck cargo door and replacement of cracked parts with new parts. The actions are required to be accomplished in accordance with the service letter described previously. However, unlike the service letter, this AD does not permit further flight with cracked parts. The FAA has determined that all cracked parts must be replaced prior to further flight.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or

operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this requirement.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-247-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95-01-06 Boeing: Amendment 39-9117. Docket 94-NM-247-AD.

Applicability: Model 737-200 and -300 series airplanes equipped with main deck cargo doors installed in accordance with supplemental type certificate (STC) SA2969SO, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different

actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent in-flight separation of the main deck cargo door from the airplane, accomplish the following:

Note 2: This AD references Pemco Alert Service Letter 737-53-0003, Revision 3, dated December 22, 1994, for information concerning inspection and replacement procedures. In addition, this AD specifies replacement requirements different from those included in the service letter. Where there are differences between the AD and the service letter, the AD prevails.

(a) Within 50 flight cycles after the effective date of this AD or within 50 flight cycles after installation of STC SA2969SO, whichever occurs later, perform a visual inspection to detect cracking in the radii on the support angles on the lower jamb of the main deck cargo door, in accordance with Pemco Alert Service Letter 737-53-0003, Revision 3, dated December 22, 1994.

(1) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 450 flight cycles.

(2) If any cracking is detected, prior to further flight, replace the cracked part with a new part in accordance with the service letter. Repeat the visual inspection thereafter at intervals not to exceed 450 flight cycles.

(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, FAA, Transport Airplane Directorate, Seattle Aircraft Certification (ACO). 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.

(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.

(d) The inspection and replacement procedures shall be done in accordance with Pemco Alert Service Letter 737-53-0003, Revision 3, dated December 22, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pemco Aeroplex, Incorporated, P.O. Box 2287, Birmingham, Alabama 35201-2287. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park,

Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on January 24, 1995.

Issued in Renton, Washington, on December 29, 1994.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-199 Filed 1-6-95; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 405, 410, 484, 485, 486, and 498

[BPD-798-FC]

Medicare Program; Providers and Suppliers of Specialized Services: Technical Amendments

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This rule reorganizes Medicare regulations that pertain to providers and suppliers of specialized services, in order to facilitate the incorporation of future rules in logical order.

The rule also makes minor technical and editorial changes to clarify the rules and eliminate duplication without substantive change.

DATES: *Effective date:* These rules are effective February 8, 1995.

Comment date: We will consider comments received by March 10, 1995.

ADDRESSES: Please mail written comments (an original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPD-798-FC, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your written comments (an original and 3 copies) to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, or Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD-798-FC. Comments received timely will be available for public

inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

FOR FURTHER INFORMATION CONTACT:

Luisa V. Iglesias, (202) 690-6383.

SUPPLEMENTARY INFORMATION: This rule is part of an ongoing process of relocating the content of part 405 to separate parts devoted to particular aspects of the Medicare program. In this case, the rule—

1. Transfers to part 485 the regulations that pertain to institutional providers of physical therapy and speech-language pathology services that were in subpart Q of part 405; and

2. Establishes a new part 486 for suppliers of specialized services, including—

- Suppliers of portable X-Ray services (from subpart N of part 405); and
- Physical therapists in independent practice (from subpart Q of part 405).

The following subparts, which also pertain to specialized services, are not relocated at this time for the reasons indicated:

- Subpart D of part 485—Conditions for Coverage: Organ Procurement Organizations—A final rule that makes substantive changes is currently in clearance.

- Subpart B of part 494—Conditions for Coverage of Screening Mammography Services—Recent statutory amendments require substantive changes.

The rule also—

- Simplifies and clarifies regulations, without substantive change, by removing extensive (and unnecessary) verbatim statutory citations and separating true definitions from personnel qualification requirements; and

- In § 400.310, which lists the regulation sections for which OMB control numbers have been assigned, conforms those section numbers to changes made by this rule.

Collection of Information Requirements

This rule contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Response to Comments

Although this is a final rule, we will consider timely comments from anyone who believes that the reorganization of