

and excessive skew of the trailing edge flap; which could result in reduced controllability of the airplane; accomplish the following:

(a) Within 36 months after the effective date of this AD, replace the transmission assemblies for the trailing edge flaps with transmission assemblies modified in accordance with Boeing Service Bulletin 757-27A0127, Revision 1, dated September 2, 1999.

Note 2: Replacements accomplished in accordance with Boeing Alert Service Bulletin 757-27A0127, dated September 10, 1998, are considered acceptable for compliance with paragraph (a) of this AD.

(b) As of the effective date of this AD, no person shall install on any airplane, a trailing edge flap transmission assembly, unless it has been modified in accordance with Boeing Service Bulletin 757-27A0127, Revision 1, dated September 2, 1999.

Alternative Methods of Compliance

(c) 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.

Special Flight Permits

(d) 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 October 13, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-302-AD]

RIN 2120-AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 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 all British Aerospace (Jetstream) Model 4101 airplanes. This proposal would require repetitive inspections to detect loose or migrated levers of the elevator cable tension regulators, and replacement of the regulator assembly with a new assembly, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct loose or migrated regulator levers of the elevator cable tension regulators, which could result in reduced controllability of the airplane.

DATES: Comments must be received by November 18, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-302-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 British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

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 99-NM-302-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-114, Attention: Rules Docket No. 99-NM-302-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace (Jetstream) Model 4101 airplanes. The CAA advises that an incident has been reported in which an elevator cable tension regulator lever became detached from the elevator cable tension regulator assembly on a Model Jetstream 4101 airplane. The exact cause of the detachment is unknown at this time. This condition, if not corrected, could result in reduced controllability of the associated elevator.

Explanation of Relevant Service Information

British Aerospace has issued Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999, which describes procedures for repetitive detailed visual inspections to detect loose or migrated levers of the elevator cable tension regulators. For any discrepant lever assembly, the alert service bulletin describes procedures for replacement of the regulator assembly with a new assembly. The initial inspection also involves a one-time inspection of the nut and bolt to detect signs of the bolt being threadbound, and repair, if necessary. The CAA classified this alert service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type

certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously.

Interim Action

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

Cost Impact

The FAA estimates that 57 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 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 \$6,840, or \$120 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:

British Aerospace Regional Aircraft

[Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]; Docket 99-NM-302-AD.

Applicability: All Model Jetstream 4101 airplanes, 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 request approval for an alternative method of compliance in accordance with paragraph (f) 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 loose or migrated regulator levers of the elevator cable tension regulators, which could result in reduced controllability of the associated elevator, accomplish the following:

(a) Within 7 weeks after the effective date of this AD, perform a detailed visual inspection of the elevator cable tension

regulator lever assembly to detect discrepancies (including looseness and migration along the splines of the elevator cable tension regulator assembly), in accordance with Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999. Repeat the inspection thereafter at intervals not to exceed 1,500 flight hours.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(b) If no discrepancy is detected during the initial inspection required by paragraph (a) of this AD, perform a detailed visual inspection of the bolt and castellated nut for signs of the bolt being threadbound, in accordance with Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999.

(1) If the nut and bolt are serviceable, as specified by the alert service bulletin, prior to further flight, reinstall and retorque the nut, in accordance with the alert service bulletin.

(2) If the nut and bolt are not serviceable, as specified by the alert service bulletin, prior to further flight, replace with a new nut and bolt and torque the nut, in accordance with the alert service bulletin.

(c) If any discrepancy is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, replace the elevator cable tension regulator assembly with a new assembly, in accordance with Jetstream Alert Service Bulletin J41-A-27-053, dated September 14, 1999.

(d) For each inspection performed as required by paragraph (a) of this AD: Submit a report of the inspection findings (both positive and negative findings) to Information Services, British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; at the applicable time specified in paragraph (d)(1) or (d)(2) of this AD. The report must include the inspection results, a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(1) For airplanes on which the inspection is accomplished after the effective date of this AD: Submit the report within 10 days after performing the inspection required by paragraph (a) of this AD.

(2) For airplanes on which the inspection has been accomplished prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(e) As of the effective date of this AD, no person shall install any elevator cable tension regulator lever unless that lever has been inspected and applicable corrective actions

have been performed in accordance with the requirements of this AD.

Alternative Methods of Compliance

(f) 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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(g) 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 October 13, 1999.

D.L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-27275 Filed 10-18-99; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Double Coverage; Third Party Recoveries

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements section 711 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 which allows the Secretary of Defense to authorize certain CHAMPUS/TRICARE claims to be paid, even though other health insurance may be primary payer, with authority to collect from the other health insurance (third-party payer) the CHAMPUS/TRICARE costs incurred on behalf of the beneficiary.

DATES: Public comments must be received by December 20, 1999.

ADDRESSES: Forward comments to: TRICARE Management Activity (TMA), Office of General Counsel, 16401 East Centretech Parkway, Aurora, CO 80011-9043.

FOR FURTHER INFORMATION CONTACT: Robert Shepherd, Office of General Counsel, TMA, (303) 676-3705.

SUPPLEMENTARY INFORMATION: This Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplements the availability of health care in military hospitals and clinics.

Statutory Authority

CHAMPUS/TRICARE is second pay to all other health insurance except, generally, Medicaid plans, based on authority of 10 U.S.C. 1079(j) and 1086(g). Under these provisions, CHAMPUS/TRICARE could not pay a benefit for a person covered by any other health insurance (i.e., health insurance, medical service, or health plan, including any plan offered by a third-party payer) to the extent the benefit was covered under the other plan. Therefore, payment of CHAMPUS/TRICARE claims were delayed pending payment by the other health insurance in order for CHAMPUS/TRICARE to be second payer on the claim. In certain situations (e.g., for example when a patient was injured in an automobile accident) delays in payment by the responsible third-party frequently resulted in the beneficiary being billed directly by providers of care or collection agencies. Under the provision enacted in 1998 by Congress as section 711 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105-261, CHAMPUS/TRICARE can now pay a claim when a third-party payer (as defined in the law) is involved and then seek recovery of the CHAMPUS/TRICARE costs from the third-party payer. When a beneficiary is covered by primary health insurance (not a third-party payer), the primary health insurance will continue to be first payer on a claim before CHAMPUS/TRICARE will pay.

Proposed Changes

This proposes a change to the CHAMPUS/TRICARE "double coverage" provisions authorizing payment of claims when a third-party payer is involved rather than delaying CHAMPUS/TRICARE payments pending payment by the third-party payer. In addition, this proposes a change to the CHAMPUS/TRICARE "third party recoveries" provisions incorporating the authority to collect from third-party payers the CHAMPUS/TRICARE costs for health care services incurred on behalf of the patient/beneficiary.

Regulatory Procedures

Executive Order (EO) 12866 requires that a comprehensive regulatory impact

analysis be performed on any economically significant regulatory action, defined as one which would result in an annual effect of \$100 million or more on the national economy or which would 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 EO 12866 and has been reviewed by the Office of Management and Budget. In addition, we certify that this proposed rule will not significantly affect a substantial number of small entities.

Paperwork Reduction Act

This rule, as written, imposes no burden as defined by the Paperwork Reduction Act of 1995. If, however, any program implemented under this rule causes such a burden to be imposed, approval therefore will be sought by the Office of Management and Budget in accordance with the Act, prior to implementation.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, 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 199.2(b) is proposed to be amended by adding new definitions in alphabetical order:

§ 199.2 Definitions.

* * * * *

Automobile liability insurance. Automobile liability insurance means insurance against legal liability for health and medical expenses resulting from personal injuries arising from operation of a motor vehicle. Automobile liability insurance includes:

- (1) Circumstances in which liability benefits are paid to an injured party only when the insured party's tortious acts are the cause of the injuries; and
- (2) Uninsured and underinsured coverage, in which there is a third party tortfeasor who caused the injuries (*i.e.*, benefits are not paid on a no-fault basis),