

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:

Airbus Industrie: Docket 2001–NM–205–AD.

Applicability: The following airplanes, certificated in any category:

TABLE 1.—APPLICABILITY

Model—	Excluding those modified per Airbus modification—
A300 B2–1C, A300 B2–203, A300 B2K–3C, and A300 B4 series airplanes	11349 or 12309.
A300 F4–605R airplanes, A300 B4–600 series airplanes, and A300 B4–600R series airplanes	11348 or 12303.
A310 series airplanes	11350 or 12310.

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 (d) 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 wire chafing and short circuits in the wing leading edge/pylon interface area, which could result in loss of the power supply generator and/or system functions, accomplish the following:

Inspections

(a) Within 500 flight hours after the effective date of this AD, perform a general visual inspection to detect damage (including erosion and tearing) and deterioration of the fillet seals and feeder cables, in accordance with Airbus Service Bulletin A300–24–0053, Revision 05, dated January 3, 2001 (for Model A300 series airplanes); A300–24–6011, Revision 05, dated May 18, 2001 (for Model A300–600 series airplanes); or A310–24–2021, Revision 06, dated May 18, 2001 (for Model A310 series airplanes). Repeat the inspection thereafter at intervals not to exceed 1,000 flight hours, until the actions specified by paragraph (c) are accomplished.

(1) If no damage is detected: Prior to further flight following the initial inspection only, apply protection to each feeder cable in accordance with the applicable service bulletin.

(2) If any damage is detected: Prior to further flight, repair in accordance with the applicable service bulletin.

Note 2: For the purposes of this AD, a general visual inspection is defined as: “A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or

platforms may be required to gain proximity to the area being checked.”

Note 3: For Model A300–600 series airplanes: Accomplishment prior to the effective date of this AD of the actions specified by Airbus Service Bulletin A300–24–6011, Revision 04, and A310–24–2021, Revision 05, both dated April 20, 1999, is acceptable for compliance with the requirements of paragraph (a) of this AD.

Note 4: Airbus Service Bulletins A300–24–0053, A300–24–6011, and A310–24–2021 refer to Airbus Service Bulletins A300–24–0054, A300–24–6013, and A310–24–2024, respectively, as additional sources of service information for repair.

(b) Within 500 flight hours after the effective date of this AD: Perform a general visual inspection of the wiring looms in the area of the wing leading edge/pylon interface to detect damage (including chafing, burning, and short circuits), in accordance with Airbus Service Bulletin A300–24–0083, Revision 03, dated January 3, 2001 (for Model A300 series airplanes); A300–24–6039, Revision 06, dated April 6, 2001 (for Model A300–600 series airplanes); or A310–24–2052, Revision 04, dated April 6, 2001 (for Model A310 series airplanes); as applicable. Repeat the inspection thereafter at least every 1,000 flight hours, until the actions specified by paragraph (c) of this AD have been accomplished.

(1) If no damage is detected: Prior to further flight following the initial inspection only, apply protection in accordance with the applicable service bulletin.

(2) If any damage is detected: Prior to further flight, repair in accordance with the applicable service bulletin.

Note 5: Accomplishment prior to the effective date of this AD of the inspection in accordance with Airbus Service Bulletin A300–24–0083, Revision 02, dated March 29, 1999; A300–24–6039, Revision 05, dated February 11, 2000; or A310–54–2052, Revision 03, dated March 5, 1999; as applicable; is acceptable for compliance with the requirements of paragraph (b) of this AD.

Optional Terminating Action

(c) Replacement of the fillet panel assemblies with new, improved assemblies, in accordance with Airbus Service Bulletin A300–54–0095, Revision 01 (for Model A300 series airplanes); A300–54–6032, Revision 03 (for Model A300–600 series airplanes); or A310–54–2033, Revision 01 (for Model A310

series airplanes); all dated January 3, 2001; terminates the requirements of this AD.

Alternative Methods of Compliance

(d) 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, Transport Airplane Directorate, FAA. 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 6: 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

(e) 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 September 28, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–24872 Filed 10–3–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. RM01–11–000]

Electronic Service of Documents

September 27, 2001.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of inquiry.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is inviting comments on the advisability of modifying its regulations to permit the

Commission to serve documents on parties through electronic means (eService). Further, the Commission seeks comment on whether persons are interested in a subscription service allowing for documents issued by the Commission to be "pushed" by electronic means to the individual (eDistribution). eDistribution would be unrelated to the Commission's obligation to serve parties to a proceeding. To receive eDistribution, the individual would not have to have intervened in a proceeding before the Commission. In addition, the Commission seeks comment on the Commission's role, if any, in encouraging electronic service between parties to a proceeding as contemplated by Order No. 604.¹

DATES: Comments on this NOI are due on November 2, 2001.

ADDRESSES: All comments should refer to Docket No. RM01-11-000 and should be addressed to: Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC, 20426.

FOR FURTHER INFORMATION CONTACT:

John White, Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208-1812, john.white@ferc.fed.us.

Wilbur Miller, Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208-0953, wilbur.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. RM01-11-000]

Electronic Service of Documents; Notice of Inquiry

September 27, 2001.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is inviting comments on a proposal to permit the service of documents by the Commission in electronic format, in order to improve the efficiency of the Commission's service (eService). The Commission is also exploring the public's interest in a separate mechanism to "push" documents it issues to individuals by electronic means without the individual having to intervene (eDistribution). Finally, the Commission invites comments whether

the Commission has a role in encouraging electronic service of documents between parties. This Notice of Inquiry (NOI) is limited in scope to the issue of electronic service of the Commission's issuances and electronic service among parties. The NOI is not intended to explore other aspects of the Commission's service regulations.

II. Background and Discussion

On May 26, 1999, the Commission issued a rule in Docket No. RM99-6-000 permitting participants to proceedings before the Commission voluntarily to serve documents on one another by electronic means.² At that time, the Commission limited the scope of the rule to service among participants, and did not effect any change regarding service on or by the Commission's Office of the Secretary (OSEC).³ In this NOI, the Commission wishes to gauge the public's interest in having the Commission serve documents by electronic means.

In order to increase the efficiency with which it carries out its program responsibilities, the Commission has been implementing measures to use information technology in order to reduce the amount of paperwork required in its proceedings, and to speed, where possible, the task of analysis. This NOI is a step in the process of replacing paper issuances with electronic issuances by exploring the advisability of a final rule allowing the formal service of issuances via electronic means.

Further, some industry sources have informed the Commission of their perception that individuals and organizations sometimes file motions to intervene to ensure being informed of developments in proceedings before the Commission. The Commission wishes to investigate the efficacy of a self-registering automated electronic distribution mechanism for the informal promulgation of the Commission's issuances. This mechanism would obviate the need for persons not interested in becoming a party to the proceeding to intervene just to be kept informed.

The Commission's regulations currently allow, among other things, the formal service of documents "to participants who have agreed to receive service via the specified electronic means."⁴ This regulation currently allows electronic service to occur between participants who have reached agreement on the details of how (e.g.,

via e-mail) and in what format (e.g., in MS-Word word-processing file format) an electronic document is to be delivered. The Commission wishes to determine what, if anything, the Commission can do to encourage electronic service among the parties to a proceeding.

To further its goal of efficient distribution and service of documents, the Commission wishes the parties to address the following questions relating to each of the named topics.

1. eService of Commission Issuances

The Commission believes its operations would be more efficient if it were to serve its issuances via e-mail (eService of Commission Issuances, instead of sending FERC Issuances by regular mail) to parties on the Service List. Also, the Commission notes that the Administrative Office of the U.S. Courts for several years has facilitated the filing of case documents in electronic formats in four district courts and five bankruptcy courts, and plans to have this capability available to more than 200 bankruptcy, district, and appellate courts by 2005. Where applicable, the courts require attorneys to register to participate in the electronic filing process in particular cases, and automatically issue a notice (via email) to such registered attorneys when any registered attorney makes an electronic filing. Some courts have adopted service by electronic means where electronic filing was adopted.⁵

In view of the above, the Commission seeks responses to the following questions:

a. Would adopting eService of Commission issuances via e-mail be easier for recipients of the documents than receiving paper service? What problems might this introduce? How might such problems be mitigated or eliminated?

b. Would recipients of eService of Commission issuances want to receive an eService e-mail as soon as the Commission issues a document? Would grouping items into a relatively few e-mails sent every two or three hours throughout the day or even grouping all items into a single e-mail at the end of the day be preferable?

c. Currently Commission issuances are available through the Commission's website in ASCII,⁶ Wordperfect format,

¹ 64 FR 31493 (June 11, 1999); FERC Stats. & Regs., Regulations Preambles July 1996-December 2000, ¶ 31,074 (May 26, 1999).

² *Id.*

³ *Id.* at 31,495.

⁴ 18 CFR 385.2010 (2001).

⁵ See United States Bankruptcy Court, Southern District of New York, In re Electronic Means of Filing, Signing, and Verification issued January 19, 2001 and United States Bankruptcy Court, Northern District of Georgia General Order No. 5, January 26, 2000.

⁶ ASCII refers to the American Standard Code for Information Interchange, a code for character representation.

and TIF (tagged image file format, a graphical format). Would these or other formats, such as PDF, be preferable for eService? Would a link to the document on the Commission's website be preferable (though its integrity would be guaranteed only for a specific time period)? Describe how the size of the document might influence this decision.

d. Under what circumstances would it be feasible for the Commission to use eService as the default method of service with the option to receive paper service only upon request?

2. eDistribution

The Commission also proposes to adopt a mechanism (eDistribution) that would permit an individual/organization to register his/her/its e-mail address in a Commission proceeding so that the individual/organization would automatically be e-mailed issuances from that proceeding without having to formally intervene. Accordingly, the Commission seeks comments on the following matters:

a. How is eDistribution a more desirable mechanism for distribution than retrieving copies of documents from the Commission Issuance Posting System and the Records Information Management System on the Commission's website?

b. Would eDistribution reduce the number of parties filing motions to intervene simply to remain aware of developments in a proceeding? To what extent is filing motions for this reason a common practice (provide percentage of interventions submitted for this purpose if known)? What other benefits might accrue from eDistribution?

c. What features would such a mechanism need to maximize its utility?

d. Would it be beneficial if the Commission were to e-mail the URLs/internet-links (e.g., in RIMS-on-the-Web) of other documents besides Commission issuances through the eDistribution mechanism? What specific benefits would accrue? What features would such a service have?

e. What, if any, private enterprises are providing a service like eDistribution? Please describe them if any exist.

f. FERC may institute a pilot program for eDistribution prior to finalizing rules on the eService of Commission Issuances. FERC is considering the imposition of a cost-recovering fee for this service. How would this affect your usage of such a service?

3. eService Between Parties

The Commission seeks comment on whether the process of electronic

service between parties is working adequately or can be improved.⁷

a. What has been the experience of parties providing electronic service to one another?

b. Is it easy for parties to identify others who are interested in electronic service? Would designating those parties on the Service List who have expressed a willingness to participate in electronic service expedite the parties efforts to arrange electronic service?

c. In what ways could the Commission encourage the more widespread adoption of e-service between parties? For example, should the Commission be a central repository for e-mail addresses of parties who wish to serve or be served electronically?

d. What improvements could be made to the online service list at fercdocket.ferc.fed.us/pa/pa.htm?

III. Procedure for Comments

The Commission invites interested persons to submit comments, data, views, and other information concerning the matters set out in this notice.

To facilitate the Commission's review of the comments, commenters are requested to provide an executive summary of their position on the issues raised in the Notice of Inquiry. To facilitate the Commission's review of the comments, commenters are requested to identify each specific question posed by the NOI that their discussion addresses and to use appropriate headings. Additional issues the commenters wish to raise should be identified separately. The commenters should double space their comments.

Comments may be filed on paper or electronically via the Internet and must be received by the Commission by November 2, 2001. Those filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426 and should refer to Docket No. RM01-11-000.

Comments filed via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at www.ferc.gov and click on "E-Filing," and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment

to the sender's E-Mail address upon receipt of comments.

User assistance for electronic filing is available at 202-208-0258 or by E-Mail to efiling@ferc.fed.us. Comments should not be submitted to the E-Mail address. All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington, DC 20426, during regular business hours. Additionally, all comments may be viewed, printed, or downloaded remotely via the Internet through The Commission's Homepage using the RIMS link. User assistance for RIMS is available at 202-208-2222, or by E-Mail to rimsmaster@ferc.fed.us.

IV. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's website (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From the Commission's website on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.

—The full text of this document is available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from the Commission's website using the RIMS link. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the website during normal business hours from our Help line at (202) 208-2222 (E-Mail to WebMaster@ferc.fed.us) or the Public Reference Room at (202) 208-1371 (E-Mail to public.refrenceroom@ferc.fed.us).

⁷ 18 CFR 385.2010(f)(3) (2001).

During normal business hours, documents can also be viewed and/or printed in the Commission's Public Reference Room, where RIMS, CIPS, and the Commission's website are available. User assistance is also available.

By direction of the Commission.

David P. Boergers,

Secretary.

[FR Doc. 01-24801 Filed 10-3-01; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AK32

Medical Benefits Package; Copayments for Extended Care Services

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: We propose to amend VA's medical regulations by adding the following extended care services to the medical benefits package: noninstitutional adult day health care, noninstitutional geriatric evaluation, and noninstitutional respite care. Also, we propose to amend VA's medical regulations to establish provisions regarding copayments for extended care services. These actions would implement provisions of the Veterans Millennium Health Care and Benefits Act.

DATES: Comments must be received on or before December 3, 2001.

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; or fax comments to (202) 273-9289; or e-mail comments to OGCRegulations@mail.va.gov. Comments should indicate that they are submitted in response to "RIN 2900-AK32." All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT:

Marsha Goodwin, Geriatrics and Extended Care (114), at (202) 273-8540 for issues regarding the medical benefits package, and Nancy Howard, Revenue Office (174), at (202) 273-8198 for issues regarding copayments for extended care services. Both are officials

in the Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420.

SUPPLEMENTARY INFORMATION:

Medical Benefits Package

We propose to amend VA's medical regulations at 38 CFR 17.38 concerning VA's medical benefits package which sets forth what care is provided to veterans enrolled in the VA healthcare system. More specifically, we propose to add the following extended care services to the medical benefits package: noninstitutional adult day health care, noninstitutional geriatric evaluation, and noninstitutional respite care. This implements amendments to 38 U.S.C. 1701(10) and 1710B(a)(5) added by the Veterans Millennium Health Care and Benefits Act (section 101(b) and (c) of Public Law 106-117).

The medical benefits package already specifically includes respite care that is provided as hospital or outpatient care. To avoid confusion, we note that with the adoption of the proposed changes, the medical benefits package would include both institutional (hospital and outpatient) and noninstitutional respite care.

Copayments for Extended Care Services

The Veterans Millennium Health Care and Benefits Act (Pub. L. 106-117) also established provisions regarding copayments for extended care services provided to veterans by VA. These provisions are set forth at 38 U.S.C. 1710B. This document proposes to establish requirements at 38 CFR 17.111 regarding copayments for such extended care services provided either directly by VA or obtained by contract.

The proposed rule states that, with certain exceptions, as a condition of receiving extended care services, a veteran must agree to pay VA a copayment. This restates statutory provisions at 38 U.S.C. 1710B.

The proposed rule sets forth a mechanism for calculating the copayment amount. This is intended to implement the following statutory criteria set forth at 38 U.S.C. 1710B(d)(2) that states:

The Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran [receiving extended care services] is liable. That methodology shall provide for:

(A) Establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

(B) Protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the

community) as available for determining the copayment obligation; and

(C) Allowing the veteran to retain a monthly personal allowance.

The proposed rule states that a veteran has no copayment obligation for the first 21 days of extended care services in any 12-month period from the date extended care services began. It further states that for each day that extended care services are provided beyond the first 21 days, unless an exemption applies, a veteran is obligated to pay VA a copayment amount for each day that extended care services are provided to the extent the veteran has available resources. This reflects statutory provisions at 38 U.S.C. 1710B.

The proposed rule provides that the following extended care services are subject to the corresponding copayment amount per day:

- (i) Adult day health care—\$15.
- (ii) Domiciliary care—\$5.
- (iii) Institutional respite care—\$97.
- (iv) Institutional geriatric evaluation—\$97.
- (v) Non-institutional geriatric evaluation—\$15.
- (vi) Non-institutional respite care—\$15.
- (vii) Nursing home care—\$97.

The proposed copayment amount for institutional extended care is comparable to the copayment amount for nursing home services under the Medicare program and copayments at State homes that provide similar services. The proposed copayment amount for outpatient care is comparable to industry standards.

The proposed copayment amount for domiciliary care is lower, in part, because of the lower level of care provided. Further, although Public Law 106-117 included domiciliary care in the extended care service package, the eligibility criteria for this level of medical care did not change. To be eligible for domiciliary care, veterans must have a very low income, usually an amount that does not exceed the maximum annual rate of VA pension that would be applicable to the veteran if the veteran were eligible for VA pension based on the need for regular aid and attendance. Accordingly, we believe it is appropriate for the copayment amount to be low.

Under the proposal, a veteran would be obligated to pay the copayment only to the extent the veteran and the veteran's spouse have available resources. Available resources would mean the sum of the value of the liquid assets, fixed assets, and income of the veteran and the veteran's spouse minus the sum of the veteran allowance and