

Note 1: This AD applies to each engine 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 engines 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: Compliance with this AD is required as indicated, unless already done.

To prevent failure of high pressure turbine (HPT) second stage airseals due to cracks in the knife edges, which if not detected could result in uncontained engine failure and damage to the airplane, do the following:

Inspections

(a) Perform a fluorescent penetrant inspection of the HPT second stage airseal knife edges for cracks in accordance with Accomplishment Instructions, Paragraphs 1 through 3 of PW Service Bulletin (SB) JT9D 6409, dated July 27, 2001, each time the HPT stage 1 and stage 2 rotors are separated. Remove from service those airseals that are found cracked.

Alternative Methods of Compliance

(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, Engine Certification Office (ECO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

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

Issued in Burlington, Massachusetts, on November 14, 2001.

Donald E. Plouffe,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL-7106-8]

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Whole Effluent Toxicity Test Methods; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is extending the comment period for the proposed rule to revise and ratify its approval of several analytical test procedures measuring "whole effluent toxicity." The proposed rule was published in the **Federal Register** on September 28, 2001 (66 FR 49794), and the comment period was scheduled to end on November 27, 2001. The comment period will be extended for 45 days and will now end on January 11, 2002.

DATES: Comments must be postmarked, delivered by hand, or electronically mailed on or before January 11, 2002. Comments provided electronically will be considered timely if they are submitted by 11:59 p.m. Eastern Standard Time (EST) on January 11, 2002.

ADDRESSES: Send written or electronic comments on the proposed rule (66 FR 49794) to "Whole Effluent Toxicity (WET) Test Method Changes" Comment Clerk (WET-IX); Water Docket (4101); U.S. Environmental Protection Agency; Ariel Rios Building; 1200 Pennsylvania Avenue, NW., Washington, DC 20460. EPA requests that commenters submit copies of any references cited in comments. Commenters also are requested to submit an original and three copies of their written comments and enclosures. Commenters that want receipt of their comments acknowledged should include a self-addressed, stamped envelope. All written comments must be postmarked or delivered by hand. No facsimiles (faxes) will be accepted. Hand deliveries should be delivered to EPA's Water Docket at 401 M Street, SW., Room EB 57, Washington, DC 20460.

Comments may be submitted electronically to: OW-Docket@epa.gov. Electronic comments must be submitted as a Word Perfect 5/6/7/8 file or an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data also will be

accepted on disks in WordPerfect 5/6/7/8 or ASCII file format. Electronic comments may be filed online at any Federal Depository Library. All electronic comments must be identified by docket number (WET-IX). Electronic comments will be transferred into a paper version for the official record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission.

A record for the proposed rulemaking (66 FR 49794) has been established under docket number WET-IX. A copy of the supporting documents cited in the proposed rule is available for review at EPA's Water Docket, East Tower Basement (Room EB 57), 401 M Street, SW., Washington, DC 20460. For access to docket materials, call (202) 260-3027 on Monday through Friday, excluding Federal holidays, between 9 a.m. and 3:30 p.m. EST to schedule an appointment.

The proposed rule (66 FR 49794) has been placed on the Internet for public review and downloading at the following location: <http://www.epa.gov/fedrgstr/>. Other documents referenced in the proposed rule also are available on the Internet. The final report of EPA's WET Interlaboratory Variability Study (Volumes 1 and 2) and the document titled, Proposed Changes to Whole Effluent Toxicity Method Manuals are available on the Internet at <http://www.epa.gov/waterscience/WET>.

FOR FURTHER INFORMATION CONTACT: For regulatory information regarding this notice or the proposed rule, contact Marion Kelly, Engineering and Analysis Division (4303), Office of Science and Technology, Office of Water, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (e-mail: kelly.marion@epa.gov) or call (202) 260-7117. For technical information regarding the proposed rule, contact Teresa J. Norberg-King, National Health and Environmental Effects Research Laboratory, Mid-Continent Ecology Division, Office of Research and Development, U.S. Environmental Protection Agency, 6201 Congdon Boulevard, Duluth, MN 55804 (e-mail: norberg-king.teresa@epa.gov) or call (218) 529-5163.

SUPPLEMENTARY INFORMATION: On September 28, 2001, EPA published in the **Federal Register** (66 FR 49794) a proposed rule to ratify its approval of several whole effluent toxicity (WET) test methods, which the Agency standardized in an earlier rulemaking (60 FR 53529; October 16, 1995). The proposed rule published on September 28, 2001 also would modify the WET

test procedures to update the methods, provide minor corrections and clarifications, and address specific stakeholder concerns. The proposed changes are intended to improve the performance of WET tests, and thus increase confidence in the reliability of the results obtained using the test procedures. By proposing to revise and ratify WET test methods, EPA satisfied obligations in a settlement agreement designed to resolve litigation over the original rulemaking that standardized WET test procedures.

In the September 28, 2001 notice of proposed rulemaking, EPA requested public comment on its proposal to revise and ratify WET test methods. The 60-day public comment period established for this rule was scheduled to end on November 27, 2001. EPA received a request to extend the public comment period beyond the November 27, 2001 due date. In order to ensure that the public has an adequate opportunity to review and comment on the proposed rule, EPA is extending the comment period for an additional 45 days to January 11, 2002.

Dated: November 15, 2001.

G. Tracy Mehan, III,

Assistant Administrator for Water.

[FR Doc. 01-29270 Filed 11-21-01; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 447

[CMS-2134-P]

RIN 0938-AL05

Medicaid Program; Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would modify the Medicaid upper payment limit provisions to remove the 150 percent UPL for inpatient hospital services and outpatient hospital services furnished by non-State government-owned or operated hospitals. This proposed rule is part of this Administration's efforts to restore fiscal integrity to the Medicaid program and reduce the opportunity for abusive funding practices based on payments

unrelated to actual covered Medicaid services.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on December 24, 2001.

ADDRESSES: In commenting, please refer to file code CMS-2134-P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Mail written comments (one original and three copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-2134-P, P.O. Box 8016, Baltimore, MD 21244-8016.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and three copies) to one of the following addresses: Room 443-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5-14-03, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late. For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section. **FOR FURTHER INFORMATION CONTACT:** Marge Lee, (410) 786-4361.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, call Ms. Freddie Wilder at (410) 786-7195 or (410) 786-0082.

I. Background

Section 1902(a)(30)(A) of the Social Security Act (the Act) requires that Medicaid State plans have methods and procedures relating to the payment for care and services to assure that payments are consistent with efficiency, economy, and quality of care. This provision is implemented in regulations at 42 CFR part 447 that set upper payment limits (UPLs) for different types of items and services. For certain institutional providers, including

hospitals, these upper payment limits apply in the aggregate to all payments to a particular class of providers, and are based on the estimated payment under Medicare payment principles.

In a final rule published on January 12, 2001 in the **Federal Register** (66 FR 3148), we revised the Medicaid upper payment limit (UPL) for inpatient and outpatient hospitals to require separate UPLs for State-owned or operated facilities, non-State government-owned or operated facilities, and privately owned and operated facilities. In that final rule, we also created an exception for payments to non-State government-owned or operated hospitals. That exception provided that the aggregate Medicaid payments to those hospitals may not exceed 150 percent of a reasonable estimate of the amount that would be paid for the services furnished by these hospitals under Medicare payment principles. At that time, we believed that there was a need for a higher UPL to apply to payments to these public hospitals because their important role in serving the Medicaid population.

Based on further analysis, we do not believe that a significant amount of the additional payments permitted under this exception is being used to further the mission of these hospitals or their role in serving Medicaid patients. The Office of the Inspector General has issued several reports demonstrating that a portion of the additional payments are being transferred directly back to the State via intergovernmental transfers and used for other purposes (which may include funding the State share of other Medicaid expenditures). Since the public hospitals are not retaining the funds available as a result of this higher UPL, those funds are neither furthering their special mission nor ensuring continued access to these facilities for the Medicaid population. Instead, the only result of the higher UPL is that the Federal government is effectively paying more than its share of net State Medicaid expenditures.

II. Provisions of the Proposed Rule

As part of this Administration's efforts to restore fiscal integrity to the Medicaid program and reduce the opportunity for abusive funding practices based on payments unrelated to actual covered Medicaid services, we propose to remove the 150 percent UPL for non-State government-owned or operated hospitals.

Under §§ 447.272(b) and 447.321(b), aggregate payments to non-State government-owned or operated facilities would be limited to a reasonable estimate of the amount that would be