

was installed in accordance with Beechcraft Service Bulletin No. 2502, dated May 1993.

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 modification of the autopilot and rudder boost interlock. The actions would be required to be accomplished in accordance with the service bulletin described previously.

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 notice to clarify this long-standing requirement.

There are approximately 92 Model 400 and 400A airplanes of the affected design in the worldwide fleet. The FAA estimates that 69 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 24 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$99,360, or \$1,440 per airplane.

The total 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.

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. 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:

Beech Aircraft Corporation: Docket 95–NM–31–AD.

Applicability: Model 400 airplanes, serial RJ–61; and Model 400A airplanes, serials RK–1 through RK–77 inclusive, and RK–79 through RK–92 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 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 reduced controllability of the airplane, accomplish the following:

(a) At the next scheduled inspection, but no later than 200 hours time-in-service after the effective date of this AD, install an autopilot and rudder boost improvement kit in accordance with Beechcraft Service Bulletin No. 2533, dated October 1994.

(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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita 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 April 28, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10989 Filed 5–3–95; 8:45 am]

BILLING CODE 4910–13–U

Coast Guard

33 CFR Part 117

[CGD01–95–009]

RIN 2115–AE47

Drawbridge Operation Regulations; Connecticut River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulations for the Route 82 Bridge at mile 16.8 over the Connecticut River, between East Haddam and Haddam, Connecticut. This proposal would provide openings for recreational vessels only on the hour and half-hour from 15 May through 31 October, between 9 a.m. and 9 p.m. Commercial vessels would continue to be granted bridge openings at all times. This action should ease traffic delays and still meet the reasonable needs of navigation.

This proposal would also require bridge owners to install clearance gauges at the AMTRAK Old Saybrook-Old Lyme Bridge, the CONRAIL Middletown-Portland Bridge and the Route 82 Bridge to assist mariners in

determining if their vessels can pass under the bridges and thereby reduce the number of unnecessary openings at time when the draw is not required to open.

This change was requested by the Connecticut Department of Transportation (CONNDOT) to provide relief from traffic delays caused by frequent, unscheduled bridge openings.

DATES: Comments must be received on or before July 3, 1995.

ADDRESSES: Comments may be mailed to Commander (obr), First Coast Guard District, Building 135A, Governors Island, New York, 10004-5073, or may be hand-delivered to the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (212) 668-7170. The comments will become part of this docket and will be available for inspection and copying by appointment at the above address.

FOR FURTHER INFORMATION CONTACT:

Gary Kassof, Bridge Administrator, First Coast Guard District, (212) 668-7069.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01-95-009), the specific section of this proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format no larger than 8½" by 11", suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The drafters of this notice are Mr. Waverly W. Gregory, Jr., Project Manager, Bridge Branch, and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

Background and Purpose

The Route 82 Bridge over the Connecticut River, at mile 16.8 between East Haddam and Haddam, Connecticut, has vertical clearances of 22' above mean high water (MHW) and 25' above mean low water (MLW). The Coast Guard previously published a temporary final rule (57 FR 24191; June 2, 1992) that required the bridge to open for recreational vessels only on the hour and half-hour from 22 May through 31 October, 1992 between 9 a.m. and 9 p.m. on Fridays, Saturdays, Sundays, and federal holidays. Interested persons were given until November 13, 1992 to submit comments. No comments were received; a public hearing was not requested nor was one held.

Upon the expiration of the temporary final rule in October, 1992, the bridge reverted to the general operating regulations contained in 33 CFR part 117, subpart A. These regulations required the draw to open for all vessels on signal at all times. However, in 1993 and 1994, from 15 May to 15 October, from 9 a.m. to 9 p.m., CONNDOT implemented hourly and half-hourly openings for recreational vessels on Saturdays, Sundays, and federal holidays without Coast Guard approval.

The Town of East Haddam and CONNDOT have since requested the Coast Guard to consider a change to the special operating regulations for the Route 82 Bridge to provide for hourly and half hourly openings from 9 a.m. to 9 p.m. during the summer.

In 1993 and 1994, CONNDOT left the signs for the temporary regulations from the 1992 season in place, unofficially implementing half-hourly openings for recreational vessels from 15 May to 15 October, between 9 a.m. and 9 p.m., on weekends and federal holidays. The Coast Guard has not received any complaints or inquiries concerning this unofficial operating schedule implemented during 1993 and 1994.

The proposed regulations for the Route 82 Bridge would provide openings for recreational vessels on the hour and half hour, daily from 15 May to 31 October, between 9 a.m. and 9 p.m. Openings for commercial vessels would be provided on signal at all times.

Analysis of the bridge logs for 1990, 1991 and 1992 indicated that spring and fall transient recreational boating traffic

on the weekends created the greatest potential for disruption of vehicular traffic due to back-to-back openings. Additionally, on Fridays and weekends during the summer months there were frequent, untimely openings affecting persons attending concerts and plays at the Goodspeed Opera House in East Haddam. Analysis of the 1992 and 1993 bridge logs showed that a majority of the recreational vessels requiring openings transited the bridge on the hour and half hour from Monday through Thursday as well as weekends during the summer period.

Discussion of Proposed Amendments

Under this proposal 33 CFR 117.205 would be revised to remove redundant language and requirements that are included elsewhere in the CFR as general Part 117 operating regulations.

Paragraph (a)(1)(i) and paragraph (a)(1)(ii) from the existing regulation would be deleted as unnecessary because trains are now controlled by the block method. Under this method the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not open until the train has passed out of the block. This requirement is contained in 33 CFR 117.9 as a general requirement for bridges.

This proposal would also require bridge owners to install clearance gauges at the AMTRAK Old Saybrook-Old Lyme Bridge, the CONRAIL Middletown-Portland Bridge and the Route 82 Bridge as part of a new paragraph (a). This proposed requirement would assist mariners in determining if their vessels can pass under the Route 82 Bridge during periods when the draw need not be opened and would eliminate unnecessary openings at the other bridges.

Paragraph (b) in the existing regulations would be revised because the requirement to fully open is provided in 33 CFR 117.5 of the general operating regulations. The revised paragraph (b) would add the proposed regulations to formalize the current, unofficial operating regulations at the Route 82 Bridge.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies

and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This is based upon the fact that commercial vessels are unaffected by the proposal and that the regulations will not prevent recreational boaters from transiting the bridge. Rather it will only require them to adjust their time of arrival for openings on the hour and half hour.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their fields and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this action, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and it has determined that this proposed regulation does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994) this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection and copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.205 is revised to read as follows:

§ 117.205 Connecticut River.

(a) The owners of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4, the Route 82 Bridge, mile 16.8 and the Conrail Middletown Bridge, mile 32.0 shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of section 118.160 of this chapter.

(b) The draws of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4, and the CONRAIL Middletown-Portland Bridge, mile 32.0 shall be opened as soon as practicable for all noncommercial vessels that cannot pass under the closed bridges, but in no case shall the delay be more than 20 minutes from the time the opening was requested.

(c) The draw of the Route 82 Bridge, mile 16.8 at East Haddam, shall open on signal except that, from 15 May to 31 October between 9 a.m. and 9 p.m., the draw need open for recreational vessels on the hour and half-hour only. The draw shall open on signal for commercial vessels at all times.

Dated: April 19, 1995.

J.L. Linnon,

*Rear Admiral, U.S. Coast Guard Commander,
First Coast Guard District.*

[FR Doc. 95–10922 Filed 5–3–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AH10

Determinations of Incompetency and Competency

AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning determinations of mental incompetency

to make clear that only rating boards are authorized to make determinations of incompetency.

DATES: Comments must be received on or before July 3, 1995.

ADDRESSES: Mail written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, or hand-deliver written comments to: Office of Regulations Management, Room 1176, 801 Eye Street, NW., Washington, DC 20001. Comments should indicate that they are in response to "RIN 2900–AH10." All written comments received will be available for public inspection in the Office of Regulations Management, Room 1176, 801 Eye Street, NW., Washington, DC 20001, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION:

Regulations at 38 CFR 3.353 govern VA determinations of competency and incompetency. 38 CFR 3.353(a) defines a mentally incompetent person as one who lacks the mental capacity to manage his or her own affairs, including disbursement of funds without limitation. 38 CFR 3.353(b) was intended to authorize rating boards to make determinations of competency and incompetency for VA purposes without involvement of a Veterans Services Officer (VSO).

In a recent decision (*Coleman v. Brown*, No. 90–966) the United States Court of Veterans Appeals interpreted § 3.353(b) as requiring VSO participation prior to determination of the issue of incompetency. Although the VSO was meant to play an integral role in developing evidence relating to the veteran's ability to handle his or her affairs, the intent of the regulation was to give rating boards sole responsibility for incompetency determinations without the VSO participating in the decision. See 38 CFR 3.104(a). Although it was intended that evidence produced by the VSO could lead to later reconsideration of the incompetency determination, it was not intended that the VSO's concurrence be a condition precedent to rating a beneficiary incompetent. The VSO's investigation was meant merely to provide an additional safeguard which could lead to later review.