

preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (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 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 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:

Boeing of Canada, LTD., De Havilland Division: Docket 91-NM-267-AD.

Applicability: Model DHC-7 series airplanes; serial numbers 1 through 23; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of flap track no. 1, accomplish the following:

(a) Within 6 months after the effective date of this AD, perform a one-time dye penetrant inspection to detect cracks in flap track no. 1, in accordance with de Havilland Service Bulletin 7-53-15, Revision A, dated November 27, 1981.

(b) If cracks are evident or suspected as a result of the inspection required by paragraph (a) of this AD, prior to further flight, replace the flap track, in accordance with de Havilland Service Bulletin 7-53-15, Revision A, dated November 27, 1981.

(c) If no cracks are evident or suspected as a result of the inspection required in paragraph (a) of this AD, within 6 months after the effective date of this AD, modify the lower surface of flap track no. 1, in accordance with de Havilland Service Bulletin 7-53-15, Revision A, dated November 7, 1981.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, ANE-170, FAA, Engine and Propeller Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York Aircraft Certification Office, ANE-170.

(e) Special flight permits may be issued in accordance with FAR 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 January 3, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-1018 Filed 1-14-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-220-AD]

Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-8 series airplanes, which currently requires structural inspections to detect fatigue cracking, reporting of the inspection results, and repair or replacement, as necessary to ensure continued airworthiness as these airplanes approach the manufacturer's original fatigue design life goal. Fatigue cracking, if not detected and corrected, could result in a compromise of the structural integrity of these airplanes. This action would modify the existing sampling program to: (a) Require additional visual inspections of all Principal Structural Elements (PSEs) on certain airplanes, (b) include expanded/modified PSEs, (c) revise the reporting requirements, and (d) increase the sample size. This proposal is prompted by new data submitted by the manufacturer indicating that additional inspections and an expanded sample size are necessary to increase the confidence level of the statistical program to ensure timely detection of cracks in PSEs.

DATES: Comments must be received no later than February 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane

Directorate, ANM-103, Attention: Rules Docket No. 91-NM-220-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Attention: Business Unit Manager, Technical Publications and Technical Administrative Support C1-L5B (54-60), Long Beach, California 90801. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

John L. Cecil, Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5322.

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 91-NM-220-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-103, Attention: Rules Docket No. 91-NM-220-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On May 19, 1987, the FAA issued AD 87-14-06, Amendment 39-5631 (54 FR 25591, July 8, 1987), applicable to McDonnell Douglas Model DC-8 series airplanes, to require structural inspections and necessary repair or replacement, to ensure continued airworthiness as these airplanes approach the manufacturer's original fatigue design life goal. That action was prompted by a structural re-evaluation, which identified certain significant structural components to inspect for fatigue cracks. Fatigue cracks in these components, if not detected and corrected in a timely manner, could result in a compromise of the structural integrity of these airplanes.

Since issuance of that AD, the manufacturer has issued McDonnell Douglas Report No. L26-011, DC-8 Supplemental Inspection Document (SID), Volume I, Revision 3, dated March 1991; Volume II, Revision 5, dated March 1991; and Volume III, Revision 5, dated April 1991. This revision revises the sampling program with additional procedures to:

- a. Add visual inspections of all Principal Structural Elements (PSEs) on certain airplanes listed in the SID planning data, at least once during the interval between the start date (SDATE) and the end date (EDATE) established for each PSE. (The additional visual inspections, defined in Section 2 of Volume II, are required on airplanes that have not been inspected in accordance with Section 2 of Volume II of the SID.)
- b. Include expanded/modified PSEs;
- c. Use a revised inspection reporting form;
- d. Report the results of the new visual inspections in addition to those required by the existing AD; and
- e. Increase the sample size.

The FAA has reviewed and approved the revised SID and has determined that the additional visual inspections, expanded/modified PSEs, revised reporting requirements and increased sample size are necessary in order to provide an acceptable level of confidence that cracks in PSEs do not exist in the fleet.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 87-14-06

with a new airworthiness directive that would require an additional visual inspection of all airplanes listed in the SID planning data at least once during each inspection interval, and would require the reporting of the results, both positive and negative, in accordance with the revised SID documents previously described.

There are approximately 337 Model DC-8 series airplanes of the affected design in the worldwide fleet. It is estimated that 222 airplanes of U.S. registry and 15 U.S. operators would be affected by this AD. Incorporation of the Supplemental Inspection Document program to an operator's maintenance program, as originally required by AD 87-14-06, is estimated to necessitate 500 work hours (per operator), at an average labor cost of \$55 per work hour. Based on these figures, the cost to the 15 affected U.S. operators to initially incorporate the SID program is estimated to be \$412,500.

The incorporation of the additional procedures proposed in this AD action would require approximately 544 additional work hours per operator to accomplish, at an average labor cost of \$55 per work hour. Based on these figures, the cost to the 15 affected U.S. operators to incorporate the proposed revisions of the SID program is estimated to be \$448,800.

The recurring inspection cost, as originally required by AD 87-14-06, is estimated to be 245 work hours per airplane per year. The procedures added to the program by this proposed AD action would require approximately 53 additional work hours per airplane per year to accomplish. The average labor charge would be \$55 per work hour. Based on these figures, the recurring inspection total cost impact of the AD on U.S. operators is estimated to be \$16,390 per airplane, or \$3,638,580 for the affected U.S. fleet.

Based on the above figures, the total cost impact of this AD is estimated to be \$4,087,380 for the first year, and \$3,638,580 for each year thereafter.

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 "major rule" under Executive Order 12291; (2) is not a "significant

rule" under 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 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 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 removing Amendment 39-6330 and by adding the following new airworthiness directive (AD):

McDonnell Douglas: Docket No. 91-NM-220-AD. Supersedes AD 87-14-06, Amendment 39-6330.

Applicability: Model DC-8 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

- (a) Within one year after August 10, 1987 (the effective date of AD 87-14-06, Amendment 39-5631), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSEs) defined in Section 2 of Volume I of McDonnell Douglas Report No. L26-011, "DC-8 Supplemental Inspection Document (SID)," dated December 1985, in accordance with Section 2 of Volume III of that document. The non-destructive inspection techniques set forth in Volume II of the SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results, negative or positive, must be reported to McDonnell Douglas, in accordance with the instructions of Section 2 of Volume III of the SID. 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 (Pub. L. 96-

511) and have been assigned OMB Control Number 2120-0056.

(b) Within 6 months after the effective date of this AD incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSEs) defined in Section 2 of Volume I of McDonnell Douglas Report No. L26-011, DC-8 Supplemental Inspection Document (SID), dated March 1991, in accordance with Section 2 of Volume III of that document. The non-destructive inspection techniques set forth in Section 2 of Volume II of the SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results, negative or positive, must be reported to McDonnell Douglas, in accordance with the instructions of Section 2 of Volume III of the SID. 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 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0056.

(c) Cracked structure detected during the inspections required by paragraphs (a) and (b) of this AD must be repaired before further flight, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Directorate.

(d) An alternative method of compliance or adjustment of compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on December 27, 1991.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-1015 Filed 1-14-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AF46

Claims Based on Chronic Effects of Exposure to Mustard Gas

AGENCY: Department of Veterans Affairs.

ACTION: Proposed Rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing a regulation to govern the adjudication of compensation claims for disabilities or deaths resulting

from the chronic effects of in-service exposure to mustard gas under certain circumstances. This proposed regulation is necessary because VA believes that additional adjudication provisions are warranted for certain claims involving in-service exposure to mustard gas. The intended effect of this amendment is to expand and extend compensation eligibility.

DATES: Comments must be received on or before February 14, 1992. Comments will be available for public inspection until February 24, 1992. The amendment is proposed to be effective the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this amendment to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until February 24, 1992.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233-3005.

SUPPLEMENTARY INFORMATION: Some Naval personnel were experimentally exposed to mustard gas during full-body, field or chamber tests of protective equipment and clothing conducted at the Naval Research Laboratory, located at Edgewood Arsenal, Washington, DC, between 1943 and 1945. Similar testing may have been conducted at other locations during World War II. These World War II tests were classified, participants were instructed not to discuss their involvement, and medical records associated with the tests are generally unavailable. No long-term follow-up examinations were conducted. For these reasons, some participants may not have filed claims with VA for disabilities resulting from mustard gas poisoning, or, if they did file claims, may have experienced difficulty in establishing entitlement to benefits.

VA believes that the special circumstances surrounding these World War II testing programs have placed veterans who participated in them at a disadvantage when attempting to establish entitlement to compensation for disability or death resulting from experimental exposure. The proposed rule specifies that, if exposure occurred under the described circumstances, disabilities or deaths resulting from

certain diseases are to be recognized as connected to a veteran's exposure in-service.

A review of the available medical literature by Veterans Health Administration (VHA) personnel indicates that the chronic, long-term effects of acute mustard gas poisoning may include laryngitis, bronchitis, emphysema, asthma, conjunctivitis, keratitis, and corneal opacities. Chronic forms of these conditions which developed subsequent to experimental exposure during World War II will be service-connected. We propose to implement this judgment by adding a new section, § 3.316, to 38 CFR part 3.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

- (1) It will not have an annual effect on the economy of \$100 million or more.
- (2) It will not cause a major increase in costs or prices.
- (3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program number is 64.109.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: September 20, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION**Subpart A—Pension Compensation, and Dependency and Indemnity Compensation**

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 210, unless otherwise noted.

2. Add a new section to read as follows:

§ 3.316 Claims based on chronic effects of exposure to mustard gas.

Exposure to mustard gas while participating in full-body, field or chamber experiments to test protective clothing or equipment during World War II, together with the development of a chronic form of any of the following conditions manifested subsequent thereto, is sufficient to establish service connection for that condition: laryngitis, bronchitis, emphysema, asthma, conjunctivitis, keratitis, and corneal opacities.

[FR Doc. 92-1000 Filed 1-14-92; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[MO11-1-5369; FRL-4093-3]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Ambient air quality data for the period 1989 through 1991 indicate that the Kansas City ozone nonattainment area has attained the National Ambient Air Quality Standard (NAAQS) for ozone. Therefore, in accordance with the Clean Air Act Amendments of 1990, the state of Missouri has submitted an ozone maintenance plan which projects continued attainment of the ozone standard in the Kansas City area, and has requested redesignation of the area to attainment. EPA is proposing to approve the Kansas City ozone maintenance plan as a revision to the Air Pollution Control State Implementation Plan (SIP) for the state of Missouri. In conjunction with the maintenance plan, EPA is also proposing to approve Missouri's request to redesignate the Kansas City area to attainment with respect to the ozone

NAAQS. In a separate Federal Register notice published today, EPA is also proposing to approve an analogous plan and redesignation request submitted by the Kansas Department of Health and Environment to address the Kansas portion of the ozone nonattainment area. **DATES:** Comments must be received by February 14, 1992.

ADDRESSES: Comments should be sent to Larry A. Hacker, Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101. The state submittal and the EPA-prepared technical support document (TSD) are available for public review at the above address and at the Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (913) 551-7020 (FTS 276-7020).

SUPPLEMENTARY INFORMATION:**I. Background**

The Clean Air Act as amended in 1977 ("the 1977 Act") required areas failing to meet the ozone NAAQS to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. The Kansas City metropolitan area (KCMA) was designated under section 107 of the 1977 Act as nonattainment with respect to the ozone NAAQS on March 3, 1978. (The designations for Missouri are codified at 40 CFR 81.326.) The Missouri Department of Natural Resources (MDNR) submitted a Part D ozone attainment SIP on July 2, 1979, which EPA fully approved as meeting the requirements of section 110 and Part D of the 1977 Act. The 1979 SIP projected attainment by December 31, 1982, making the KCMA area a "nonextension area" under section 172 of the 1977 Clean Air Act. Although the KCMA appeared to have met the ozone standard by the end of 1982, additional violations occurred in 1983 and 1984. On February 20, 1985, EPA notified the Governor of Missouri that the SIP was substantially inadequate to attain the ozone NAAQS (50 FR 26198).

In response to the SIP call, MDNR submitted a revised ozone control strategy on May 26, 1986, which demonstrated attainment by December 31, 1987. EPA proposed to approve the revised SIP on June 30, 1988 (53 FR 24735). At the time of the proposal, EPA believed that the area had achieved the standard, as the 1985 through 1987 air quality data showed attainment. However, ozone violations occurred in

June of 1988. Therefore, EPA fully approved the revised control strategy (54 FR 10322 and 54 FR 46232), but deferred action on the attainment demonstration portion of the SIP.

More recently, however, the 1989 through 1991 air quality data show attainment of the ozone NAAQS. Therefore, in an effort to comply with the Clean Air Act Amendments (CAAA) of 1990 (Pub. L. 101-549), and to ensure continued attainment of the standard with an adequate margin of safety, the state submitted an ozone maintenance SIP for the KCMA on October 9, 1991. Accompanying the maintenance SIP are new and amended rules to control certain categories of sources which emit volatile organic compound (VOC) emissions, and the state's request to redesignate the area to attainment with respect to the ozone NAAQS.

II. Evaluation Criteria

Together the Missouri and Kansas submittals meet all applicable requirements of the 1990 Clean Air Act. The EPA rulemaking docket checklist (included with EPA's TSD) provides a listing of applicable approval criteria. However, some of these criteria merit additional discussion which is contained below.

With its submittal of the additional VOC rule actions, Missouri meets the Clean Air Act requirement that the SIP include all reasonably available control measures (RACM) (section 172(c)(1)). The rules are also consistent with EPA policy as outlined in "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations—Clarification to Appendix D of November 24, 1987 Federal Register," dated May 25, 1988 (referred to hereafter as the "Blue Book").

The Missouri submittal also includes a redesignation request, in which the state demonstrates that the area has fulfilled the redesignation requirements of the amended Act. Section 107(d)(3)(E) of the Act provides specific requirements for redesignating a nonattainment area to attainment:

- A. The area must have attained the applicable NAAQS (section 107(d)(3)(E)(i));
- B. the area has a fully approved SIP under section 110(k) of the Act (section 107(d)(3)(E)(ii));
- C. the air quality improvement must be permanent and enforceable (section 107(d)(3)(E)(iii));
- D. the area must have a fully approved maintenance plan pursuant to section 175A of the Act (section 107(d)(3)(E)(iv)); and