Compliance: Required as indicated, unless accomplished previously.

To prevent the potential for a fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform a one-time visual inspection to determine the type of fluorescent light ballasts installed in the upper and lower cabin sidewall. If any ballast installed has a part number that is listed in Table 1 of this AD, prior to further flight, remove the Day-Ray light ballast and replace it with a light ballast manufactured by Bruce Industries, in accordance with the applicable service bulletin(s) listed in Table 2 of this AD.

TABLE 2.—SERVICE BULLETINS CONTAINING INSTRUCTIONS FOR ACCOMPLISHING THE REQUIREMENTS OF THIS AD

Service bulletin No. and date	Affected airplanes
McDonnell Douglas, DC–9 Service Bulletin DC9–33–103, May 30, 1996.	Model DC–9–30, –40, and –50 series airplanes listed in effectivity of service bulletin.
McDonnell Douglas, MD–80 Service Bulletin MD80–33A107, Revision R01, August 30, 1996.	Model DC–9–80 series and Model MD–88 airplanes listed in effectivity of service bulletin.
McDonnell Douglas, DC–10 Service Bulletin DC10–33–073, June 18, 1996.	Model DC–10–10, –15, –30, and –40 series and KC–10A airplanes listed in effectivity of service bulletin.
Heath Tecna, Alert Service Bulletin ESCI–33–A2, Revision 1, July 24, 1996.	McDonnell Douglas Model DC–9–80 (MD–80) series airplanes retrofitted with Heath Tecna Contemporary Deep Rack Interior (CDRI) and Heath Tecna Extended Special Concept Interior (ESCI or ESCI III).
Heath Tecna, Alert Service Bulletin MarkI–33–A2, Revision 1, July 24, 1996.	McDonnell Douglas Model DC–8 series airplanes retrofitted with Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI–33–A3, Revision 1, July 24, 1996.	Boeing Model 707 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI–33–A4, Revision 1, July 24, 1996.	Boeing Model 727 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Alert Service Bulletin MarkI–33–A5, Revision 1, July 24, 1996.	Boeing Model 737 series airplanes retrofitted with the Heath Tecna Mark I interior.
Heath Tecna, Service Bulletin Spmk–33–A1, Revision 1, July 24, 1996.	Boeing Model 727 series airplanes retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior.
Heath Tecna, Service Bulletin Spmk–33–A2, Revision 1, July 24, 1996.	Boeing Model 737 series airplanes retrofitted with the Heath Tecna Spacemaker II or Spacemaker IIa interior.

(b) As of the effective date of this AD, no person shall install in the upper or lower cabin sidewall of any airplane a Day-Ray fluorescent light ballast having a part number listed in Table 1 of this AD.

(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, Los Angeles 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, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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 February 11, 1998.

Gilbert L. Thompson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–4109 Filed 2–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 668

[FHWA Docket No. FHWA 97–3105]

RIN 2125–AE27

Emergency Relief (ER) Program—$500,000 Disaster Eligibility Threshold

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: The FHWA is initiating this rulemaking to evaluate the need to revise the FHWA's regulation (23 CFR 668.105(j)) that now provides for a $500,000 threshold to distinguish between heavy maintenance or routine emergency repair and serious damage. This threshold is used as one of the criteria to qualify a disaster under the FHWA's Emergency Relief (ER) program for repair of Federal-aid highways. The FHWA is publishing this ANPRM to generate discussion and comments on the appropriateness of the current threshold value as well as any additional options/concepts regarding establishment of a disaster eligibility threshold. Once information from this ANPRM has been reviewed, if appropriate, specific proposals for revision of the threshold will be published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM).

DATES: Comments must be received on or before April 20, 1998.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL 401, 400 Seventh Street, SW., Washington, D.C. 20590–0001. All comments received will be available for examination at the above address between 10:00 a.m. and 5:00 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mohan P. Pillay, Office of Engineering, 202–366–4655, or Wilbert Baccus, Office of the Chief Counsel, 202–366–0780, FHWA, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m, e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

1. Purpose of This Rulemaking

The regulations governing the ER program for repair of Federal-aid highways (23 CFR 668, subpart A) were revised in 1987 to establish, for the first time, dollar guidelines for consideration of whether a disaster would be

categorized as ''serious '' from the perspective of 23 U.S.C. 125. The requirement pertaining to dollar guidelines is contained in 23 CFR 668.105(j). It states: ''ER program funding is only to be used to repair highways which have been seriously damaged and is not intended to fund heavy maintenance or routine emergency repair activities which should be normally funded as contingency items in the State and local road programs. An application for ER funds in the range of $500,000 or less must be accompanied by a showing as to why the damage repair involved is considered to be beyond the scope of heavy maintenance or routine emergency repair. As a general rule, widespread nominal road damages in this range would not be considered to be of a significant nature justifying approval by the FHWA Administrator for ER funding.''

For the purposes of this ANPRM, the term disaster referred to throughout this document means a natural disaster or catastrophic failure. As indicated in the regulation, the ER program is not intended to fund heavy maintenance or routine emergency repair activities, which should be normally funded as contingency items in the State and local road programs. In essence, the regulation says that if a disaster event does not require more than $500,000 in ER funding to repair seriously damaged highways, it falls under the category of heavy maintenance and, therefore, normally does not qualify under the FHWA ER program for funding. In exceptional circumstances, such as in the case of Territories and in States with limited highway funding resources, a disaster with damage in the range of $500,000 or less may be considered eligible for ER funding.

The FHWA is considering modification of the $500,000 threshold for the following reasons:

(1) The current $500,000 threshold, established 10 years ago, needs to be routinely reviewed for appropriateness.

(2) Several FHWA field offices have indicated that the $500,000 threshold is too low, considering the overall highway program size in some States.

(3) The number of disasters per year has increased considerably in the recent past, and as a result, there is a higher demand for ER funds, thus placing more financial burden on the already strapped ER program.

The FHWA believes that setting up a higher threshold may eliminate funding less ''serious'' disasters which would currently be eligible for ER funding. For example, 47 disasters were funded in FY 1996. Nearly 20 percent of the funded disasters had an initial estimate under $1,000,000. Elevating the disaster threshold to $1,000,000, thus, could have eliminated nearly 20 percent of the funded disasters in FY 1996 from emergency relief funding, representing nearly $5.2 million in damage. This $5.2 million, in turn, would have been available for disasters which individually resulted in more than $1,000,000 in damage.

The FHWA is initiating this rulemaking process to generate discussion and proposals for revising the current regulation pertaining to the $500,000 threshold.

2. Rulemaking Process

This document is first in a series of actions to address the issue of the $500,000 threshold established to distinguish heavy maintenance from ''serious'' damage. Based upon the comments to this ANPRM, the FHWA will consider formulating specific proposals and publishing a NPRM. The NPRM would also provide a comment period for additional public response to specific proposals. The FHWA now anticipates that a final rule may be developed and published in 1998. The following options are provided with the intent to generate discussion and comments which may help in formulating specific proposals for the NPRM. Additional options and concepts are welcome.

Option 1—Continue to have a single threshold applied to all States, but increase the threshold.

Under this option, the existing threshold would be increased to a higher value—for example, $1,000,000. The advantages are:

(1) The program would better serve as intended—to fund unusually heavy expenses of repairing ''serious'' damage from natural disasters or catastrophic failures, and to eliminate funding low-cost disasters;

(2) The overall cost to the ER program would be reduced, as those disasters with an initial estimate under $1,000,000 normally would not qualify for funding; and

(3) The administrative costs at all levels would be reduced as time involved in disaster surveys, documentation, and processing would be reduced.

A disadvantage is that a higher threshold would place a greater funding burden on the States with smaller highway programs. They may be adversely affected as resources may not be readily available to respond to disasters under the minimum $1,000,000 disaster eligibility threshold. Additionally, the application of the same threshold value to all States would be administratively simple; however, it does not equitably reflect the financial impact of a disaster based on the size of a State's program.

Option 2—Formulate more than one minimum disaster eligibility threshold, using a tiered approach based on the size of a State's highway program.

Under this option the States would be grouped into tiers based on the size of their Federal-aid program—i.e, Federal-aid apportionments received in the prior fiscal year. A minimum disaster eligibility threshold would be formulated for each tier beginning from a base threshold. This concept is illustrated using a three tier approach in the following example:

Tier 1 would be those States that received Federal-aid highway apportionments under $100 million for the previous fiscal year. Tier 1 States would be subject to a minimum threshold of $500,000;

Tier 2 would be those States that received Federal-aid highway apportionments of at least $100 million and not exceeding $500 million for the previous fiscal year. Tier 2 States would use a minimum threshold of $1,000,000; and

Tier 3 would be those States which received Federal-aid highway apportionments over $500 million for the previous fiscal year. Tier 3 States would use a minimum threshold of $2,000,000.

Based on the FY 1997 Federal-aid highway apportionments, the number of States including the District of Columbia and Puerto Rico, in each tier in the above illustration would be as follows: Tier 1 States—7; Tier 2 States—33; and Tier 3 States—12. Other scenarios, as appropriate may be developed.

The advantages are:

(1) This approach would not place a disproportionate burden on States with smaller highway programs; rather it treats States more or less in an equitable fashion;

(2) The program would better serve as intended—to fund unusually heavy expenses of repairing ''serious'' damage from natural disasters or catastrophic failures. New higher thresholds on disaster eligibility would eliminate funding low-cost disasters for States with larger programs;

(3) The overall cost to the ER program would be reduced as certain disasters might not meet the new disaster eligibility thresholds and therefore might not qualify for funding; and

(4) The administrative costs would be reduced at all levels, as time involved

in disaster surveys, documentation, and processing would be reduced.

The disadvantages are:

(1) States with larger highway programs could lose some ER funding as the higher disaster eligibility threshold in these States might eliminate some disasters which would have qualified for funding under the current threshold; and

(2) The FHWA would be required to track States with different disaster eligibility thresholds, resulting in more review time and paperwork.

Commenters are invited to present their views on the options discussed above. In addition, the FHWA welcomes other suggestions concerning the current dollar threshold and appropriate methods to update this threshold.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined preliminarily that any action taken regarding the disaster eligibility threshold will not be a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. It is anticipated that the economic impact of any action taken in this rulemaking will be minimal. Any changes are not anticipated to adversely affect, in a material way, any sector of the economy. In addition, any changes are not likely to interfere with any action taken or planned by another agency or materially alter the budgetary impact of any entitlement, grants, user fees, or loan programs.

The FHWA emphasizes, however, that this document is published to generate discussion and comments which may be used in formulating specific proposals for the revision of a section of the current regulation dealing with disaster eligibility determinations for ER funding. It is not anticipated that these changes will affect the total Federal funding available under the ER program. Consequently, a full regulatory evaluation is not required. In any event, we strongly encourage and will actively consider comments on this matter, as well as other issues relating to the projected impact of actions contemplated in this ANPRM.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA will evaluate the effects of any action proposed on small entities. This ANPRM will only generate comments and discussions on one of the disaster eligibility criteria used for providing emergency relief assistance to States in accordance with the existing laws, regulations and guidance. Thus, it would be premature to assess the economic impact of any action that might be contemplated. Because the States are not included in the definition of ''small entity'' set forth in 5 U.S.C. 601, we do not anticipate that any adjustment to the disaster eligibility threshold that might be considered would have a substantial economic impact on small entities within the meaning of the Regulatory Flexibility Act. We encourage commenters to evaluate any options addressed here with regard to their potential for impact, however, and to formulate their comments accordingly.

Executive Order 12612 (Federalism Assessment)

Any action that might be proposed in subsequent stages of this proceeding will be analyzed in accordance with the principles and criteria contained in Executive Order 12612. Given the nature of the issues involved in this proceeding, the FHWA anticipates that any action contemplated will not have sufficient federalism implications to warrant the preparation of a federalism assessment. Nor does the FHWA anticipate that any action taken would preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions. We encourage commenters to consider these issues, however, as well as matters concerning any costs or burdens that might be imposed on the States as a result of actions considered here.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

Any action that might be contemplated in subsequent phases of this proceeding is not likely to involve a collection of information requirement for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3500, or information collection requirements not already approved for the ER program. The FHWA, however, will evaluate any actions that might be considered in accordance with the terms of the Paperwork Reduction Act.

National Environmental Policy Act

The agency also will analyze any action that might be proposed for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) to assess whether there would be any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 668

Emergency relief program, Grant programs-transportation, Highways and roads.

Authority: 23 U.S.C. 315; 23 U.S.C. 101; 23 U.S.C. 120(e); 23 U.S.C. 125; 49 CFR 1.48(6).

Issued on: February 11, 1998.

Kenneth R. Wykle,

Administrator, Federal Highway Administration.

[FR Doc. 98–4172 Filed 2–18–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 178 and 179

[Notice No. 857]

RIN: 1512–AB67

Implementation of Public Law 103–159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act (93F–057P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations to implement the provisions of Public Law 103–159, relating to the permanent provisions of the Brady Handgun Violence Prevention Act. These proposed regulations implement the law by requiring, with some exceptions, a licensed firearms importer, manufacturer, or dealer to contact the