

Aerospatiale Service Bulletin ATR42-53-0093, Revision 1, dated February 19, 1996, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$11,460 per airplane.

It would take approximately 281 work hours per airplane to accomplish the proposed modification specified in Aerospatiale Service Bulletin ATR42-53-0094, Revision 2, dated February 19, 1996, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$16,860 per airplane.

The cost impact figures discussed above are 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.

Regulatory Impact

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Aerospatiale: Docket 97-NM-303-AD.

Applicability: Model ATR42-200, -300, and -320 series airplanes, on which Aerospatiale Modification 01392 has not been installed, certificated in any category.

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 (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: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the airplane resulting from fatigue cracking of the windshield frame structure, accomplish the following:

(a) Prior to the accumulation of 24,000 total flight cycles, or within 60 days after the effective date of this AD, whichever occurs later: Inspect to detect cracking of the windshield frame structure in accordance with Operation Description (B—Inspection) of the Accomplishment Instructions of Aerospatiale Service Bulletin ATR42-53-0093, Revision 1, or ATR42-53-0094, Revision 2, both dated February 19, 1996.

(1) If the inspection reveals no crack, or reveals cracking that does not exceed the specifications listed in Figure 6, Sheet 1, of Service Bulletin ATR42-53-0093, Revision 1, dated February 19, 1996: Prior to further flight, modify the windshield frame structure in accordance with either service bulletin.

(2) If the inspection reveals any crack that exceeds the specifications in Figure 6, Sheet 1, of Service Bulletin ATR42-53-0093, Revision 1, dated February 19, 1996, but does not exceed the cut-out areas specified in Figure 7, Sheet 1, of Service Bulletin ATR42-53-0094, Revision 2, dated February 19, 1996: Prior to further flight, modify the windshield frame structure in accordance with Service Bulletin 42-53-0094, Revision 2, dated February 19, 1996.

(3) If the inspection reveals any crack that exceeds the cut-out areas specified in Figure 7, Sheet 1, of Service Bulletin ATR42-53-

0094, Revision 2, dated February 19, 1996: Prior to further flight, modify the windshield frame structure in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate.

Note 2: Accomplishment of the modifications specified in ATR Service Bulletin ATR42-53-0093, Revision 1, or ATR42-53-0094, Revision 2, both dated February 19, 1996, is not equivalent to accomplishment of Aerospatiale Modification 01392. Therefore the ATR42 Time Limits Document inspection items with "PRE MOD 1392" effectivity are still applicable for airplanes modified by either of the previously described service bulletins.

(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, International Branch, ANM-116. 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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.

Note 4: The subject of this AD is addressed in French airworthiness directive 95-126-061(B), dated June 21, 1995.

Issued in Renton, Washington, on February 11, 1998.

Gilbert L. Thompson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-4110 Filed 2-18-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-163-AD]

RIN 2120-AA64

Airworthiness Directives; Transport Category Airplanes Equipped With Day-Ray Products, Inc., Fluorescent Light Ballasts

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to any transport

category airplane that is equipped with certain Day-Ray fluorescent light ballasts installed in the upper and/or lower cabin sidewall, that would have required a visual inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall, and either the replacement of suspect ballasts or the installation of a protective cover over the ballast. That proposal was prompted by reports of smoke, fumes, and/or electrical fire emitting from the baggage bin of the aft passenger compartment due to the failure of the fluorescent light ballasts. This new action revises the proposed rule by removing the option to install a protective cover over the ballast. The actions specified by this new proposed AD are intended to prevent the potential for a fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall.

DATES: Comments must be received by March 16, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 96-NM-163-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: J. Kirk Baker, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5345; fax (562) 627-5210.

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 96-NM-163-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-114, Attention: Rules Docket No. 96-NM-163-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to any transport category airplane that is equipped with certain Day-Ray fluorescent light ballasts installed in the upper and/or lower cabin sidewall, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on October 7, 1996 (61 FR 52394). That NPRM would have required a visual inspection to determine the type of fluorescent light ballasts installed in the cabin sidewall, and either the replacement of suspect ballasts or the installation of a protective cover over the ballast. That NPRM was prompted by reports of smoke, fumes, and/or electrical fire emitting from the baggage bin of the aft passenger compartment due to the failure of the fluorescent light ballasts. That condition, if not corrected, could result in the potential for a fire in the passenger compartment resulting from failure of the fluorescent light ballast of the cabin sidewall.

Actions Since Issuance of Previous Proposal

Since the issuance of that NPRM, the FAA has received a report of smoke and fire emitting from the overhead ceiling panel in the passenger cabin on a McDonnell Douglas Model DC-9-80 series airplane. Investigation revealed that a fluorescent light ballast failed and produced electrical arcing, which caused fire damage to the upper insulation blanket and outboard ceiling panel at station 1022. The fluorescent light ballast had been modified, as required by AD 96-11-13, amendment 39-9638 (61 FR 27251, May 31, 1996).

The modification specified in AD 96-11-13 includes installation of a protective aluminum cover that was designed to prevent the interior of the airplane from exposure to flame. However, the aluminum cover of the fluorescent light ballast involved in the incident had two holes burnt through it. The FAA has determined that installation of a protective cover over the light ballast [as required by paragraph (a)(2) of the originally proposed NPRM] does not adequately preclude smoke/fire in the passenger compartment. Therefore, the FAA has removed that requirement [paragraph (a)(2) of the originally proposed NPRM] from this supplemental NPRM. The FAA also has removed reference to the protective cover from paragraph (b) of this supplemental NPRM.

Comments Received

Due consideration has been given to the comments received in response to the NPRM.

Request To Revise Descriptive Language

One commenter requests that the fourth sentence of the first paragraph of the Discussion section of the NPRM be revised to read as follows: "Investigation revealed that the design of certain fluorescent light ballast assemblies, as installed on the incident airplanes, allows moisture condensation to enter into the ballast case during altitude changes. The effects of such moisture subsequently contaminate the printed circuit card, which can result in a short circuit. This failure mode in the subject Day-Ray Products ballasts may result in the rupture of the ballast phenolic case and emit fire." The commenter states that immersion testing conducted by McDonnell Douglas on ballast designs of different manufacturers (in addition to Day-Ray Products) has demonstrated that a fluorescent light ballast, when subject to ingestion of moisture as a result of

changes in altitude, is susceptible to failure. The critical issue is whether the ballast case design will contain the failure and allow for a fail-safe mode.

The commenter also requests that the first sentence of the second paragraph of the Discussion section of the NPRM be deleted, and that the phrase "suspect light ballasts" in the beginning of the second sentence be changed to "subject light ballasts." The commenter states that the subject ballasts are the same as those addressed in AD 96-11-13.

In addition, the commenter requests that the phrase "installing improved ballasts" be removed from the first sentence of the first paragraph of the Explanation of Relevant Service Information section of the NPRM, and that the phrase "or installing protective covers that are manufactured by Day-Ray Products" be added to the end of that sentence.

Further, the commenter requests that the phrase "any Day-Ray Products light ballast" be revised to "the subject light ballast" in the first sentence in paragraph one of the Explanation of Requirements of Proposed Rule section of the preamble of the NPRM.

The FAA acknowledges that the commenter's suggested wording is more accurate. However, since the Discussion, Explanation of Relevant Service Information, and Explanation of Requirements of Proposed Rule sections are not restated in this supplemental NPRM, no change to the supplemental NPRM is necessary.

Request To Revise Cost Estimate

One commenter notes that the work hours for the proposed inspection and replacement presented in the Cost Impact section of the preamble of the NPRM is too low. The commenter states that the proposed inspection will require 25 work hours per airplane, and that the replacement will require 50 work hours per airplane. The FAA concurs that the number of work hours required is higher than previously approximated; the economic impact information, below, has been revised to specify the higher amount.

Request To Delete Installation of Protective Cover Requirement

One commenter requests that the FAA remove the option of installing a protective cover over the light ballast, as required by paragraph (a)(2) of the originally proposed NPRM. The commenter contends that the protective cover will cause the ballast to overheat and shorten life expectancy of the ballast. The FAA concurs. As discussed previously, the FAA has removed paragraph (a)(2) of the originally

proposed NPRM from this supplemental NPRM.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 2,500 transport category airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,800 airplanes of U.S. registry would be affected by this proposed AD.

To accomplish the proposed inspection, it would take approximately 25 work hours per airplane, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$1,500 per airplane.

To replace the light ballasts would require approximately 50 work hours per airplane, at an average labor rate of \$60 per work hour. Required parts would average approximately \$8,550 per airplane, which represents a cost of \$150 per ballast and an average of 57 ballasts per airplane. Based on these figures, the cost impact of the replacement proposed by this AD on U.S. operators is estimated to be \$11,550 per airplane.

The cost impact figures discussed above are 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.

Regulatory Impact

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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Transport Category Airplanes: Docket 96-NM-163-AD.

Applicability: Airplanes equipped with Day-Ray Products, Inc., cabin sidewall fluorescent light ballasts having part numbers listed in Table 1 of this AD; including, but not limited to, McDonnell Douglas Model DC-9, DC-9-80, MD-88, DC-10, and C-9 (military) series airplanes, and Boeing Model 707, 727, and 737 series airplanes; certificated in any category.

TABLE 1.—FLUORESCENT LIGHT BALLASTS SUBJECT TO THIS AD

Name	Part No.
Day Ray	69-10, 69-10-1, 69-68, 69-68-1, 69-69, 69-69-1, 70-94, 70-94-1, 83-12, 83-12-1

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 request approval for an alternative method of compliance in accordance with paragraph (c) 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 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]

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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