

(h) This amendment becomes effective on February 17, 1998.

Issued in Renton, Washington, on January 21, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane*

*Directorate, Aircraft Certification Service.*

[FR Doc. 98-1970 Filed 1-29-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-320-AD; Amendment 39-10297; AD 98-03-05]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A330 and A340 series airplanes. This action requires removal of three electric motor-driven hydraulic pumps (EHP) and associated wiring, and installation of placards in the flight deck. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent operation of the EHP, which could result in fire in the wheel well area, and consequent damage to airplane structure or injury to airplane occupants.

**DATES:** Effective February 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 17, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 2, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-320-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A330 and A340 series airplanes. The DGAC advises that it has received several reports of fires in the wheel well area. The cause of the fires has been attributed to use of the electric motor-driven hydraulic pumps (EHP). The DGAC had previously issued French airworthiness directives to require electrical isolation of the three EHP in order to address the unsafe condition. However, since that time, the DGAC has received one additional report of an on-ground fire in the wheel well. The investigation into the cause of this incident has not yet concluded; however, deliberate or inadvertent operation of the EHP is believed to be related to the incident. This condition, if not corrected, could result in fire in the wheel well area, and consequent damage to airplane structure or injury to airplane occupants.

#### Explanation of Relevant Service Information

Airbus has issued All Operators Telex (AOT) 29-21, Revision 1, dated January 8, 1997, which describes procedures for the disconnection and electrical isolation of all EHP's, and the installation of certain system 'inoperative' placards in the flight deck.

Airbus also has issued Service Bulletins A330-29-3041, dated February 25, 1997 (for Model A330 series airplanes), and A340-29-4041, dated February 26, 1997 (for Model A340 series airplanes), which describe procedures for removal of the three EHP's and associated wiring to permit installation of alternative pumps, or installation of provisions that would allow use of dedicated ground support equipment. Accomplishment of the actions specified in the AOT and service bulletins described previously is intended to adequately address the identified unsafe condition.

The DGAC classified the AOT and service bulletins as mandatory and issued French airworthiness directives 97-017-043(B)R2, dated June 18, 1997,

as revised by ERRATUM, dated July 2, 1997; and 97-018-059(B)R2, dated June 18, 1997, as revised by ERRATUM, dated July 2, 1997; in order to assure the continued airworthiness of these airplanes in France.

#### FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the AD requires accomplishment of the actions specified in the AOT and service bulletins described previously.

#### Differences Between This AD and the French AD's

This AD differs from the parallel French airworthiness directives in that it requires a single method of preventing operation of the three EHP's. The DGAC AD's provide three methods of compliance: describing procedures for disconnection and electrical isolation of the three EHP's; removal of the three EHP's with installation of placards in the flight deck; or removal of the three EHP's and subsequent installation of replacement EHP's. However, the FAA has determined that removal of the EHP's is the most effective method of addressing the unsafe condition; therefore, this AD requires the removal of the three EHP's and installation of placards in the flight deck. Operators should note that such removal of the three EHP's allows the option of using ground support equipment, or installing alternative pumps, as described in the French airworthiness directives.

#### Cost Impact

None of the Model A330 and A340 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry;

therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 20 work hours to accomplish the required actions, at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no charge to the operator. Based on these figures, the cost impact of this AD would be \$1,200 per airplane.

#### Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped

postcard on which the following statement is made: "Comments to Docket Number 97-NM-320-AD." The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

**98-03-05 Airbus:** Amendment 39-10297. Docket 97-NM-320-AD.

**Applicability:** All Model A330 and A340 series airplanes, 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 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 operation of the electric motor-driven hydraulic pumps (EHP), which could result in fire in the wheel well area, and consequent damage to airplane structure or injury to airplane occupants, accomplish the following:

(a) Within 48 hours after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Remove the three EHP's and associated wiring in accordance with Airbus Service Bulletin A330-29-3041, dated February 25, 1997 (for Model A330 series airplanes), or A340-29-4041, dated February 26, 1997 (for Model A340 series airplanes), as applicable; and

(2) Open circuit breakers associated with the EHP's, and install placards in the flight deck, in accordance with paragraphs 4.2.2 and 4.2.3 of Airbus All Operators Telex (AOT) 29-21, Revision 1, dated January 8, 1997.

**Note 2:** Operators should note that removal of the three EHP's allows the option of using ground support equipment, or installing alternative pumps, as described in French airworthiness directives 97-017-043(B)R2, dated June 18, 1997, as revised by ERRATUM, dated July 2, 1997; and 97-018-059(B)R2, dated June 18, 1997, as revised by ERRATUM, dated July 2, 1997.

(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, 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, 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.

(d) The actions shall be done in accordance with Airbus Service Bulletin A330-29-3041, dated February 25, 1997; or Airbus Service Bulletin A340-29-4041, dated February 26, 1997; as applicable; and Airbus All Operators Telex (AOT) 29-21, Revision 1, dated January 8, 1997. This incorporation by

reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in French airworthiness directives 97-017-043(B)R2, dated June 18, 1997, as revised by ERRATUM, dated July 2, 1997; and 97-018-059(B)R2, dated June 18, 1997, as revised by ERRATUM, dated July 2, 1997.

(e) This amendment becomes effective on February 17, 1998.

Issued in Renton, Washington, on January 23, 1998.

**Stewart R. Miller,**

*Acting Manager, Transport Airplane*

*Directorate, Aircraft Certification Service.*

[FR Doc. 98-2286 Filed 1-29-98; 8:45 am]

BILLING CODE 4910-13-U

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Regulations No. 4]

RIN 0960-AE80

#### **Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Date for the Cardiovascular Body System Listings**

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** The Social Security Administration (SSA) adjudicates claims at the third step of its sequential process for evaluating disability using the Listing of Impairments (the listings) under the Social Security and supplemental security income (SSI) programs. This rule extends the date on which the cardiovascular body system listings will no longer be effective. We have made no revisions to the medical criteria in these listings; they remain the same as they now appear in the Code of Federal Regulations. This extension will ensure that we continue to have medical evaluation criteria in the listings to adjudicate claims for disability based on impairments in the cardiovascular body system at step three of our sequential evaluation process.

**EFFECTIVE DATE:** This regulation is effective January 30, 1998.

**FOR FURTHER INFORMATION CONTACT:** Regarding this **Federal Register** document—Richard M. Bresnick, Legal Assistant, Social Security

Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1758; regarding eligibility or filing for benefits—our national toll-free number, 1-800-772-1213.

**SUPPLEMENTARY INFORMATION:** We use the listings in appendix 1 (Listing of Impairments) to subpart P of part 404 at the third step of the sequential evaluation process to evaluate claims filed by adults and individuals under age 18 for benefits based on disability under the Social Security and SSI programs. The listings are divided into parts A and B. We use the criteria in part A to evaluate impairments of adults. We use the criteria in part B first to evaluate impairments of individuals under age 18. If those criteria do not apply, then the medical criteria in part A will be used.

When we published revised listings in 1985 and subsequently, we indicated that medical advances in disability evaluation and treatment and program experience would require that the listings be periodically reviewed and updated. Accordingly, we established dates ranging from 3 to 8 years on which the various body system listings would no longer be effective unless extended by the Secretary of Health and Human Services or revised and promulgated again. Effective March 31, 1995, the authority to issue regulations was transferred to the Commissioner of Social Security by section 102 of Public Law 103-296, the Social Security Independence and Program Improvements Act of 1994.

In this final rule, we are extending the date on which the cardiovascular body system listings (4.00 and 104.00) will no longer be effective to February 10, 2000.

We last published final rules for the cardiovascular body system listings on February 10, 1994 (59 FR 6468).

We believe that the requirements in these listings are still valid for our program purposes. Specifically, if we find that an individual has an impairment that meets the statutory duration requirement and also meets or is medically equivalent in severity to an impairment in the listings or functionally equivalent to the listings in SSI claims based on disability filed by individuals under age 18, we will find that the individual is disabled at the third step of the sequential evaluation process.

#### **Regulatory Procedures**

Pursuant to section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), as amended by section 102 of Public Law 103-296, SSA follows the Administrative Procedure Act (APA) rulemaking procedures specified in 5

U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures in this case. Good cause exists because this regulation only extends the date on which the cardiovascular body system listings will no longer be effective. It makes no substantive changes to the listings. The current regulations expressly provide that the listings may be extended, as well as revised and promulgated again. Therefore, opportunity for prior comment is unnecessary, and we are issuing this regulation as a final rule.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule, provided for by 5 U.S.C. 553(d). As explained above, we are not making any substantive changes in these body system listings. However, without an extension of the expiration date for these listings, we will lack regulatory guidelines for assessing impairments in the cardiovascular body system at the third step of the sequential evaluation processes after the current expiration date of the listings. In order to ensure that we continue to have regulatory criteria for assessing cardiovascular impairments under the listings, we find that it is in the public interest to make this rule effective upon publication.

#### **Executive Order 12866**

We have consulted with the Office of Management and Budget (OMB) and determined that this rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.

#### **Regulatory Flexibility Act**

We certify that this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

#### **Paperwork Reduction Act**

This regulation imposes no reporting/recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social