

**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:

**2000-26-04 Boeing:** Amendment 39-12054. Docket 2000-NM-217-AD.

*Applicability:* Model 747, 757, 767, and 777 series airplanes having the line numbers listed below; certificated in any category.

| Model     | Affected line numbers (L/N)    | Except L/N                        |
|-----------|--------------------------------|-----------------------------------|
| 747 ..... | 1 through 1234 inclusive ..... | 1174, 1216                        |
| 757 ..... | 2 through 895 inclusive .....  | 870, 886, 894                     |
| 767 ..... | 1 through 768 inclusive .....  | 758                               |
| 777 ..... | 2 through 254 inclusive .....  | 120, 219, 230, 235, 242, 245, 249 |

**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 (d) 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 potential ignition of the moisture barrier cover of the drip shield, which could propagate a small fire that results from an otherwise harmless electrical arc, leading to a larger fire, accomplish the following:

**Modification**

(a) Within 6 years after the effective date of this AD, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD; in accordance with Boeing Service Bulletin 747-25-3253, 767-25-0290, or 777-25-0164; all including Appendices A, B, and C; all dated June 29, 2000; or 757-25-0226 or 757-25-0228; both including Appendices A, B, and C; both dated July 3, 2000; as applicable; except as provided by paragraph (b) of this AD.

(1) Modify drip shields located on the flight deck by installing fire blocks.

(2) Prior to further flight following accomplishment of paragraph (a)(1) of this AD, perform a functional test of any system disturbed by the modification, in accordance with the applicable service bulletin or the Airplane Maintenance Manual (AMM), as applicable. If any functional test fails, prior to further flight, isolate the fault, correct the discrepancy in accordance with the applicable AMM, and repeat the failed test until it is successfully accomplished.

(3) Prior to further flight following the accomplishment of paragraphs (a)(1) and (a)(2) of this AD, install placards on all modified drip shields.

(b) If any wires or equipment are installed on the outboard surface of the drip shield

(that is, between the drip shield and the airplane structure), modify that area in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

**Optional Sampling (Certain Model 747 and 767 Series Airplanes)**

(c) For Model 747 and 767 series airplanes listed in Group 1 in Boeing Service Bulletins 747-25-3253 and 767-25-0290: In lieu of accomplishment of paragraph (a) of this AD, within 6 years after the effective date of this AD, collect samples of the insulation and adhesive of the drip shields, and submit the samples to the manufacturer for testing, in accordance with Boeing Service Bulletin 747-25-3253 or 767-25-0290; both including Appendices A, B, and C; both dated June 29, 2000; as applicable.

(1) If the test on all samples is positive, no further action is required by this AD.

(2) If the test on any sample is negative, accomplish paragraph (a) of this AD before the compliance time specified in that paragraph.

**Alternative Methods of Compliance**

(d) 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

**Special Flight Permits**

(e) Special flight permits may be issued in accordance with §§ 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.

**Incorporation by Reference**

(f) Except as provided by paragraph (b) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 747-25-3253, including Appendices A, B, and C, dated June 29, 2000; Boeing Service

Bulletin 767-25-0290, including Appendices A, B, and C, dated June 29, 2000; Boeing Service Bulletin 777-25-0164, including Appendices A, B, and C, dated June 29, 2000; Boeing Service Bulletin 757-25-0226, including Appendices A, B, and C, dated July 3, 2000; or Boeing Service Bulletin 757-25-0228, including Appendices A, B, and C, dated July 3, 2000; as applicable. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

**Effective Date**

(g) This amendment becomes effective on February 2, 2001.

Issued in Renton, Washington, on December 20, 2000.

**John J. Hickey,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 00-33017 Filed 12-28-00; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2000-SW-58-AD; Amendment 39-12061; AD 2000-26-11]

**RIN 2120-AA64**

**Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters**

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for

Agusta S.p.A. (Agusta) Model A109E helicopters. This action requires replacing certain tail rotor blades with airworthy tail rotor blades. This amendment is prompted by a tail rotor blade (blade) failure that caused a high vibration level in the helicopter. Investigation revealed that the failure was due to a change in the manufacturing process for an identified production lot of blades. This condition, if not corrected, could result in a failure of a blade and subsequent loss of control of the helicopter.

**DATES:** Effective January 16, 2001.

Comments for inclusion in the Rules Docket must be received on or before February 27, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-58-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov.

**FOR FURTHER INFORMATION CONTACT:** Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110, telephone (817) 222-5116, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Ente Nazionale per l'Aviazione Civile (ENAC), the airworthiness authority for Italy, notified the FAA that an unsafe condition may exist on Agusta Model A109E helicopters. Investigation revealed that the blade failure was due to a change in the skin bonding manufacturing process for an identified production lot of blades.

Agusta issued Alert Bollettino Tecnico No. 109EP-13, dated August 3, 2000, which specifies, within 10 hours time-in-service (TIS) or with any abnormal increase in vibratory level, replacing blades, part number (P/N) 109-8132-01-109, serial number (S/N) A5-0130, A5-0131, A5-0224 to A5-0253, excluding A5-0247 and A5-0248, with blades, P/N 109-8132-01-109 or 109-8132-01-107, to ensure the continued airworthiness of these helicopters in Italy. ENAC classified this service bulletin as mandatory and issued AD 2000-393, dated August 8, 2000, to ensure the continued airworthiness of these helicopters in Italy.

This helicopter model is manufactured in Italy and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to

this bilateral airworthiness agreement, ENAC has kept the FAA informed of the situation described above. The FAA has examined the findings of ENAC, 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.

Since we have identified an unsafe condition that is likely to exist or develop on other Agusta Model A109E helicopters of the same type design registered in the United States, this AD is being issued to prevent failure of a blade. This AD requires replacing certain blades. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, replacing each blade, P/N 109-8132-01-109, S/N A5-0130, A5-0131, A5-0224 through A5-0246, and A5-0249 through A5-0253, with a blade P/N 109-8132-01-109 or P/N 109-8132-01-107, is required within 10 hours time-in-service, and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 20 helicopters will be affected by this AD, that it will take approximately 4 work hours to replace the blades, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$10,000 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$204,800 based on replacing both blades on all 20 helicopters.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an 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 should 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 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 mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000-SW-58-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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 a new airworthiness directive to read as follows:

**2000-26-11 Agusta S.p.A.:** Amendment 39-12061. Docket No. 2000-SW-58-AD.

**Applicability:** Model A109E helicopters with tail rotor blade (blade), part number (P/N) 109-8132-01-109, serial number (S/N) A5-0130, A5-0131, A5-0224 through A5-0246, or A5-0249 through A5-0253, installed, certificated in any category.

**Note 1:** This AD applies to each helicopter 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 helicopters 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 within 10 hours time-in-service, unless accomplished previously.

To prevent a blade failure and subsequent loss of control of the helicopter, accomplish the following:

(a) Replace each affected blade with an airworthy blade, P/N 109-8132-01-109 or P/N 109-8132-01-107, with an S/N other than those listed in the applicability section of this AD.

**Note 2:** Agusta Bollettino Tecnico No. 109EP-13, dated August 3, 2000, pertains to the subject of this AD.

(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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on January 16, 2001.

**Note 4:** The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy) AD 2000-393, dated August 8, 2000.

Issued in Fort Worth, Texas, on December 21, 2000.

**Henry A. Armstrong,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 00-33335 Filed 12-28-00; 8:45 am]

**BILLING CODE 4910-13-P**

**SOCIAL SECURITY ADMINISTRATION****20 CFR Parts 404 and 416**

**[Regulations No. 4 and 16]**

**RIN 0960-AF12**

**Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Substantial Gainful Activity Amounts; "Services" for Trial Work Period Purposes—Monthly Amounts; Student Child Earned Income Exclusion**

**AGENCY:** Social Security Administration.

**ACTION:** Final rules.

**SUMMARY:** We are revising the rules to automatically adjust each year, based on any increases in the national average wage index, the average monthly earnings guideline we use to determine whether work done by persons with impairments other than blindness is substantial gainful activity; provide that we will ordinarily find that an employee whose average monthly earnings are not greater than the "primary substantial gainful activity amount," has not engaged in substantial gainful activity without considering other information beyond the employee's earnings; increase the minimum amount of monthly earnings and the minimum number of self-employed work hours in month that we consider shows that a person receiving title II Social Security benefits based on disability is performing or has performed "services" during a trial work period, and automatically adjust the earnings amount each year thereafter; increase the maximum monthly and yearly Student Earned Income Exclusion amounts we use in determining Supplemental Security Income (SSI) Program eligibility and payment amounts for student children, and automatically adjust the monthly and yearly exclusion amounts each year thereafter.

We are revising these rules as part of our efforts to encourage individuals with disabilities to test their ability to work and keep working. We expect that these changes will provide greater incentives for many beneficiaries to attempt to work or, if already working,

to continue to work or increase their work effort.

**EFFECTIVE DATE:** These rules are effective January 29, 2001.

**FOR FURTHER INFORMATION CONTACT:** For information specifically about these final rules, contact Ray Marzoli, Office of Employment Support Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-9826 or TTY (410) 966-6210. For information about eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet web site, *Social Security Online*, [www.ssa.gov](http://www.ssa.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The Social Security and the SSI programs (titles II and XVI of the Social Security Act (the Act)) provide benefits to disabled and blind individuals. Disability is generally defined under both programs as, " \* \* \* inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment \* \* \*." The Medicare and Medicaid programs (titles XVIII and XIX of the Act) provide related medical benefits to disabled and blind individuals.

We published a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 11, 2000 (65 FR 49208). We are including all of the proposals contained in the NPRM in these final rules, which are discussed in detail below. We are including one additional change in response to several comments we received about the NPRM.

For a detailed discussion of how we calculate annual automatic adjustments that affect Social Security benefits, see our notice regarding cost-of-living increases and other determinations for the year 2001 that was published in the **Federal Register** for October 24, 2000 (65 FR 63663). We are required by statute to publish in the **Federal Register** every October an updated version of this notice. Future versions will include the annual adjustments provided under these final rules.

**The Substantial Gainful Activity Amount**

Under 20 CFR 404.1572 and 416.972, the term "substantial gainful activity" means work activity that involves significant physical or mental effort and that is done for pay or profit. Work activity is gainful if it is the kind of work usually performed for pay or profit, whether or not profit is realized. Sections 223(d)(4)(A) and 1614(a)(3)(E)