

Rules and Regulations

Federal Register

Vol. 63, No. 91

Tuesday, May 12, 1998

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1720

RIN 2550-AA05

Implementation of the Privacy Act of 1974

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Final regulation.

SUMMARY: The Office of Federal Housing Enterprise Oversight is adopting as final without change the interim regulation that was published at 63 FR 8840 on February 23, 1998. This final regulation implements the Privacy Act of 1974 by setting forth the procedures by which an individual may request access to records about him/her that are maintained by OFHEO, amendment of such records, or an accounting of disclosures of such records.

DATES: This final regulation is effective June 11, 1998.

FOR FURTHER INFORMATION CONTACT: Gary L. Norton, Deputy General Counsel, or Isabella W. Sammons, Associate General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552, telephone (202) 414-3800 (not a toll-free number). The toll-free telephone number for the Telecommunications Device for the Deaf is (800) 877-8339.

SUPPLEMENTARY INFORMATION:

The Office of Federal Housing Enterprise Oversight (OFHEO) published an interim regulation at 63 FR 8840 on February 23, 1998, that implemented the Privacy Act of 1974. OFHEO requested comments on the interim regulation, but did not receive any. Accordingly, the interim regulation, which amended Chapter

XVII of title 12 of the Code of Federal Regulations by adding part 1720, is adopted as a final regulation without change.

Dated: May 5, 1998.

Mark A. Kinsey,

Acting Director.

[FR Doc. 98-12588 Filed 5-11-98; 8:45 am]

BILLING CODE 4220-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 36

Noise Standards: Aircraft Type and Airworthiness Certification

CFR Correction

In Title 14 of the Code of Federal Regulations, parts 1 to 59, revised as of January 1, 1998, on page 779, in appendix A to part 36, the following text was removed and should be reinstated below each equation.

Appendix A to Part 36 [Corrected]

1. In the first column, in paragraph (d)(1)(i), the omitted text should read as follows:

* * * * *

where SPL_i and SPL_c are the measured and corrected sound pressure levels, respectively, in the i-th one-third octave band. The first correction term accounts for the effects of change in atmospheric sound absorption where α_i and α_{io} are the sound absorption coefficients for the test (determined under section A36.9(d)) and reference atmospheric conditions, respectively, for the i-th one-third octave band and KQ is the measured takeoff sound propagation path. The second correction term accounts for the effects of atmospheric sound absorption on the change in the sound propagation path length where KQ_c is the corrected takeoff sound propagation path. The third correction term accounts for the effects of the inverse square law on the change in the sound propagation path length.

* * * * *

2. Also, in the first column, in paragraph (d)(2)(i), the omitted text should read as follows:

* * * * *

where NS and NS_r are the measured and reference approach sound propagation paths, respectively.

* * * * *

3. In the second column, in paragraph (d)(3), the omitted text should read as follows:

* * * * *

where LX is the measured sideline sound propagation path from station L (Figure A1) to position X of the aircraft for which PNLT_M is observed at station L and LX_c is the corrected sideline sound propagation path.

* * * * *

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-111-AD; Amendment 39-10522; AD 98-10-10]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 and 767 series airplanes. This action requires a one-time inspection to confirm the installation of Teflon sleeves over certain electrical wires inside conduits installed in the fuel tanks; and corrective actions, if necessary. This amendment is prompted by a report of missing Teflon sleeves, which protect the wiring insulation from chafing. The actions specified in this AD are intended to prevent such chafing, which could eventually expose the electrical conductor creating the potential for arcing from the wire to the conduit, and consequent fuel tank fire/explosion.

DATES: Effective May 27, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 27, 1998.

Comments for inclusion in the Rules Docket must be received on or before July 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114,

Attention: Rules Docket No. 98-NM-111-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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: Ed Hormel, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2681; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: On July 17, 1996, shortly after takeoff from John F. Kennedy International Airport in Jamaica, New York, a Boeing Model 747 series airplane was involved in an accident during which the center fuel tank exploded. Ensuing investigations of the cause of the accident have focused on the fuel tank explosion.

A recent inspection of the main fuel tanks on a Model 747 series airplane indicated that the inner and outer Teflon sleeves were missing from wiring within the conduit of the aft boost pump to the number 4 main fuel tank. The reason for the missing sleeves has not been determined. Missing Teflon sleeves could result in chafing of the wire insulation encasing the fuel pump wiring. These conditions, if not corrected, could eventually expose the electrical conductor creating the potential for arcing from the wire to the conduit, and consequent fuel tank fire/explosion.

Similar Airplanes

The vibration environment and the conduit and wiring installations associated with fuel pumps in the wing fuel tanks of Model 747 and 767 series airplanes are similar. Therefore, the FAA has determined that both models may be subject to the unsafe condition identified in this AD.

Related AD's

The FAA has issued a number of AD's to address various fuel-tank related unsafe conditions on Boeing Model 747 series airplanes, including the following:

- AD 79-05-04, amendment 39-3431 (44 FR 12636, March 8, 1979). This AD was prompted by a report indicating that fuel pump wires had chafed through the insulation in an aluminum

conduit inside an auxiliary fuel tank on a Model 747 series airplane. Electrical arcing from the chafed wire to the aluminum conduit had burned a hole in the conduit permitting fuel leakage; however, the arcing did not result in a fire or explosion. That AD requires discontinued use of the auxiliary fuel tanks unless Teflon sleeving is installed over the wire bundles in accordance with Boeing Alert Service Bulletin 747-28A2091, Revision 1, dated February 5, 1979.

- AD 79-06-02, amendment 39-3439 (44 FR 16362, March 19, 1979). Because the conduit and wiring installations for the auxiliary fuel tanks are similar to those of the number 1 and number 4 main fuel tanks on Model 747 series airplanes, an inspection of the boost pump wiring of the main fuel tank was conducted on other airplanes of this model. Although none of the wires inspected had worn completely through the insulation, chafing through 80 percent of the total insulation thickness was found on numerous wires. The reported chafing was attributed to vibration of the wires against the conduit wall. Based on these results, AD 79-26-02 was issued to require inspection, repair, and modification of the boost pump wires of the outboard main (number 1 and number 4) fuel tanks on Model 747 series airplanes. Corrective actions involve replacing chafed wires, installing wire ties at equal intervals, and installing double-layer Teflon sleeves over the wires, in accordance with Boeing Alert Service Bulletin 747-28A2092, dated February 12, 1979.

- AD 96-26-06, amendment 39-9870 (62 FR 304, January 1, 1997). Following the 1996 accident, AD 96-26-06 was issued to require a one-time inspection in accordance with Boeing Alert Service Bulletin 747-28A2201, dated December 19, 1996. The purpose of this inspection was to detect damage to the Teflon sleeving and wire bundles to the forward and aft boost pumps for the number 1 and number 4 main fuel tanks and to the auxiliary tank jettison pumps (if installed) on Model 747 series airplanes equipped with aluminum conduits. At the time AD 96-26-06 was issued, the FAA had determined that sleeving inside aluminum conduits was more susceptible to chafing and burn-through in the event of arcing than sleeving inside stainless steel conduits.

- AD 97-26-07, amendment 39-10250 (62 FR 65352, December 12, 1997). Based on damage reports from two operators that had replaced the aluminum conduits with stainless steel conduits and had found significant chafing on 48 percent of the airplanes

checked, the FAA concluded that stainless steel conduit installations also should be inspected. Therefore, the FAA issued AD 97-26-07, which supersedes AD 96-26-06 to expand the inspection requirements to include Model 747 series airplanes having stainless steel conduits, and to add repetitive inspections of the Teflon sleeving on all Model 747 series airplanes to determine whether the sleeving would continue to provide a protective barrier after extended time in service.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Message M-7200-98-01080, dated March 18, 1998 (hereinafter referred to as the "message"). The message describes procedures for a one-time inspection to confirm installation of Teflon sleeving over wiring in conduits in the boost pumps of the numbers 1 and 4 main fuel tanks on Boeing Model 747 series airplanes, and in the main and center wing tanks on Model 767 series airplanes; and corrective actions, if necessary. The corrective actions involve follow-on inspections, installation of Teflon sleeves, and replacement of damaged wiring and conduits. Accomplishment of the actions specified in the message is intended to adequately address the identified unsafe condition.

The message refers to Boeing Alert Service Bulletin 747-28A2204 as an additional source of service information for accomplishment of the requirements of this AD.

Explanation of the 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, this AD is being issued to prevent chafing of electrical wiring inside the conduits, which could eventually expose the electrical conductor creating the potential for arcing from the wire to the conduit, and consequent fuel tank fire/explosion. This AD requires accomplishment of the actions specified in the message described previously, except as described below. This AD also requires operators to send any damaged wires and conduits, and to submit a report to the FAA.

Differences Between the Rule and the Message

Operators should note that, whereas the message provides a compliance time of 30 days, the rule requires compliance within 60 days. Although the message recommends a 30-day compliance time,

the manufacturer, through a subsequent review of the number of affected airplanes, has advised the FAA that 30 days will be insufficient to accomplish the actions required by this AD on such a large fleet. The FAA has determined that a 60-day compliance time is appropriate in consideration of the safety implications of this AD, the size of the affected fleet, and the practical aspects of an orderly inspection within the allotted time.

Determination of Rule's Effective Date

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.

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 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 98-NM-111-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.

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, 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:

98-10-10 Boeing: Amendment 39-10522. Docket 98-NM-111-AD.

Applicability: Model 747 series airplanes, line positions 0001 through 1145 inclusive, that have not been inspected in accordance with AD 96-26-06, amendment 39-9870 (reference Boeing Alert Service Bulletin 747-28A2204, dated December 19, 1996), or AD 97-26-07, amendment 39-10250 (reference Boeing Alert Service Bulletin 747-28A2204, Revision 1, dated October 30, 1997); and

Model 767 series airplanes, line positions 001 through 689 inclusive, and 691; 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 (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of the wire insulation inside conduits installed in the fuel tanks, which could eventually expose the electrical conductor creating the potential for arcing from the wire to the conduit, and consequent fuel tank fire/explosion, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a one-time visual inspection to confirm installation of Teflon sleeves over the electrical wires to the boost pumps installed inside conduits in the numbers 1 and 4 main fuel tanks (for Model 747 series airplanes), or in the main and center wing tanks (for Model 767 series airplanes), as applicable, in accordance with Boeing Message M-7200-98-01080, dated March 18, 1998.

(b) If any Teflon sleeve is found to be missing during the inspection required by paragraph (a) of this AD, prior to further flight, inspect to detect damage to the wires, in accordance with Boeing Message M-7200-98-01080, dated March 18, 1998.

(1) If no damage is found, prior to further flight, install a Teflon sleeve in accordance with the message.

(2) If any damage is found, prior to further flight, inspect to detect damage to the conduits in accordance with the message.

(i) If no damage is found, prior to further flight, replace any damaged wire and install a Teflon sleeve in accordance with the message.

(ii) If any damage is found, prior to further flight, replace any damaged wire and conduit and install a Teflon sleeve, in accordance with the message.

Note 2: Boeing Message M-7200-98-01080, dated March 18, 1998, refers to Boeing Alert Service Bulletin 747-28A2204 as an additional source of service information.

(c) Within 10 days after finding any damage during any inspection required by paragraph (b) of this AD, send damaged wiring and conduits and submit a report to the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1181. The report must include the following:

- The airplane model number;
- The airplane line position;
- The total number of hours time-in-service accumulated on the airplane;

- The total number of flight cycles accumulated on the airplane;
- A description of the area of the wiring where the sleeving was missing; and
- A description of the damage found.

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 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

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

(e) 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.

(f) The actions shall be done in accordance with Boeing Message M-7200-98-01080, dated March 18, 1998. 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.

(g) This amendment becomes effective on May 27, 1998.

Issued in Renton, Washington, on May 5, 1998.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-12512 Filed 5-11-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 431, 432, 433, 436, 440, 441, 442, 443, 444, 446, 448, 449, 450, 452, 453, 455, and 460

[Docket No. 98N-0211]

Removal of Regulations Regarding Certification of Antibiotic Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule.

SUMMARY: The Food and Drug Administration (FDA) is repealing its regulations governing certification of antibiotic drugs. The agency is taking this action in accordance with provisions of the Food and Drug Administration Modernization Act of 1997 (FDAMA). FDAMA repealed the statutory provision in the Federal Food, Drug, and Cosmetic Act (the act) under which the agency certified antibiotic drugs. FDAMA also made conforming amendments to the act.

DATES: The direct final rule is effective September 24, 1998. Submit written comments on or before July 27, 1998. If no timely significant adverse comments are received, the agency will publish a document in the **Federal Register** before August 25, 1998, confirming the effective date of the direct final rule. If timely significant adverse comments are received, the agency will publish a document of significant adverse comment in the **Federal Register** withdrawing this direct final rule before August 25, 1998.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell or Christine F. Rogers, Center for Drug Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

SUPPLEMENTARY INFORMATION:

I. FDAMA

On November 21, 1997, the President signed FDAMA (Pub. L. 105-115). Section 125(b) of FDAMA repealed section 507 of the act (21 U.S.C. 357). Section 507 of the act was the section under which the agency certified antibiotic drugs. Section 125(b) of FDAMA also made conforming amendments to the act.

FDA has determined that it will be most efficient to make changes in its regulations to reflect the repeal of section 507 of the act in phases. In this first phase, this direct final rule removes parts 430 through 460 (21 CFR parts 430 through 460). These regulations provide the procedures and standards used to certify antibiotic drugs, including FDA's antibiotic drug monographs. FDA plans to initiate a second phase direct final rulemaking procedure to make various, noncontroversial conforming amendments to the balance of Title 21 of the Code of Federal Regulations (CFR), such as removing citations to section 507 of the act and references to the certification of antibiotics. The

agency recognizes that as it implements the transition from regulating the premarket review and approval of antibiotic drugs under section 507 of the act to section 505 of the act (21 U.S.C. 355), other issues may arise that could require additional rulemaking. These issues will be addressed in the third phase of implementation.

II. Direct Final Rulemaking

FDA has determined that the subject of this rulemaking is suitable for a direct final rule. The repeal of section 507 of the act eliminates the statutory provision on which the agency relied to certify antibiotic drugs. FDA will, therefore, remove all provisions of Title 21 of the CFR that were issued primarily to carry out the agency's program for the certification of antibiotic drugs under former section 507 of the act. The actions taken should be noncontroversial and the agency does not anticipate receiving any significant adverse comments on this rule.

If FDA does not receive significant adverse comment on or before July 27, 1998, the agency will publish a document in the **Federal Register** before August 25, 1998, confirming the effective date of the direct final rule. A significant adverse comment is one that explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment recommending a rule change in addition to this rule will not be considered a significant adverse comment, unless the comment states why this rule would be ineffective without the additional change. If timely significant adverse comments are received, the agency will publish a notice of significant adverse comment in the **Federal Register** withdrawing this direct final rule before August 25, 1998.

Elsewhere in this issue of the **Federal Register**, FDA is publishing a companion proposed rule, which is identical to the direct final rule, that provides a procedural framework within which the rule may be finalized in the event the direct final rule is withdrawn because of significant adverse comment. The comment period for the direct final rule runs concurrently with that of the companion proposed rule. Any comments received under the companion proposed rule will be treated as comments regarding the direct final rule. Likewise, significant adverse comments submitted to the direct final rule will be considered as comments to the companion proposed rule and the agency will consider such comments in developing a final rule. FDA will not