

## 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. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2005–10–16 General Electric Company:**  
Amendment 39–14093. Docket No. FAA–2005–21238; Directorate Identifier 2005–NE–12–AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective June 3, 2005.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to all General Electric (GE) CF6–80E1 series turbofan engines with electronic control unit (ECU) part numbers (P/N's) 1799M99P12, 1851M74P05, 1851M80P05, and 1960M84P03 or earlier installed. These (GE) CF6–80E1 series engines are installed on, but not limited to, Airbus Industrie (AI) A330 airplanes.

#### Unsafe Condition

(d) This AD results from an uncommanded engine acceleration event caused by a failure of the ECU digital interface unit (DIU). We are issuing this AD to prevent undetected failure of the ECU DIU, which could result in uncommanded acceleration to the overspeed limit without response to throttle commands. The airplane could then experience asymmetric thrust.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

#### GE CF6–80E1A4/B Engines

(f) For GE CF6–80E1A4/B engines with ECU's that already have software version E.1.N installed, no further action is required.

#### All Other CF6–80E1 Series Turbofan Engines

(g) At next ECU exposure, upload improved software version E.1.N. Use the Accomplishment Instructions of either of GE Aircraft Engines CF6–80E1 Service Bulletin (SB) 73–0070, dated June 22, 2004, or SB 73–0070, Revision 01, dated March 21, 2005.

(h) For the purposes of this AD, the next ECU exposure is defined as the next removal of the ECU for repair, or the next engine shop visit, whichever occurs sooner.

(i) After the effective date of this AD, do not install any ECU that has a software version earlier than E.1.N onto any engine.

#### Alternative Methods of Compliance

(j) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(k) None.

#### Material Incorporated by Reference

(l) You must use of General Electric (GE) Aircraft Engines CF6–80E1 Service Bulletin (SB) 73–0070, dated June 22, 2004, or SB 73–0070, Revision 01, dated March 21, 2005 to install the updated software required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact General Electric Company via Lockheed Martin Technology Services, Lockheed Martin Technical Services, Distribution Center, 1330 Kemper Meadow Drive, Suite 110–C, Cincinnati, Ohio 45240, telephone (513) 672–8400; fax (513) 672–8422, or e-mail: [lmco\\_distribution@ae.ge.com](mailto:lmco_distribution@ae.ge.com) for the service information identified in this AD; or Go to the GEAE Customer Web Center (CWC): <https://customer.geae.com>. You may review copies at the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001, on the Internet at <http://dms.dot.gov>, or at the National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Burlington, Massachusetts, on May 12, 2005.

**Robert Ganley,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
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**BILLING CODE 4910–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Parts 1260, 1273, and 1274

RIN 2700–AD11

### NASA Grant and Cooperative Agreement Handbook—Research Misconduct

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends several of the NASA Grant and Cooperative Agreement Handbook sections, which are all entitled, “Definitions,” to include Research Misconduct as a defined term. In addition, provisions would be added to implement NASA’s requirements on research misconduct.

**DATES:** *Effective Date:* May 19, 2005.

**FOR FURTHER INFORMATION CONTACT:** Paul Brundage, NASA Headquarters, Code HC, Washington, DC, (202) 358–0481, e-mail: [paul.d.brundage@nasa.gov](mailto:paul.d.brundage@nasa.gov).

## SUPPLEMENTARY INFORMATION:

### A. Background

NASA published a final rule in the **Federal Register** at 69 FR 42102 on July 14, 2004, (see 14 CFR part 1275), which defined and established policy and procedures regarding research misconduct. This final rule implements those policies and procedures for grants and cooperative agreements.

### B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the changes will affect an insignificant number of grants and cooperative agreements.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose any new recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management (OMB) and Budget under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 14 CFR Parts 1260, 1273, and 1274

Grant Programs—Science and technology.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

■ Accordingly, 14 CFR parts 1260, 1273, and 1274 are amended as follows:

## PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

■ 1. The authority citation for 14 CFR part 1260 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301, *et seq.*), and OMB Circular A–110.

■ 2. Add § 1260.40 to read as follows:

### § 1260.40 Investigation of Research Misconduct.

#### Investigation of Research Misconduct (May 2005)

Recipients of this grant or cooperative agreement are subject to the requirements of 14 CFR part 1275, “Investigation of Research Misconduct.”  
[End of provision]

■ 3. Amend § 1260.102 by adding the definition for “Research misconduct” after “Research and development” to read as follows:

### § 1260.102 Definitions.

\* \* \* \* \*

*Research misconduct* is defined in 14 CFR 1275.101. NASA policies and procedures regarding Research misconduct are set out in 14 CFR part 1275, "Investigation of Research Misconduct."

\* \* \* \* \*

#### PART 1273—GRANTS AND COOPERATIVE AGREEMENTS

■ 4. The authority citation for 14 CFR part 1273 continues to read as follows:

**Authority:** 42 U.S.C. 2451, *et seq.*, and 31 U.S.C. 6301 to 6308.

■ 5. Amend § 1273.3 by adding the definition for "Research misconduct" after "Real property" to read as follows:

##### § 1273.3 Definitions.

\* \* \* \* \*

*Research misconduct* is defined in 14 CFR 1275.101. NASA policies and procedures regarding Research misconduct are set out in 14 CFR part 1275, "Investigation of Research Misconduct."

\* \* \* \* \*

#### PART 1274—GRANTS AND COOPERATIVE AGREEMENTS

■ 6. The authority citation for 14 CFR part 1274 continues to read as follows:

**Authority:** 42 U.S.C. 2451, *et seq.*, and 31 U.S.C. 6301 to 6308.

■ 7. Amend § 1274.103 by adding the definition for "Research misconduct" after "Recipient" to read as follows:

##### § 1274.103 Definitions.

\* \* \* \* \*

*Research misconduct* is defined in 14 CFR 1275.101. NASA policies and procedures regarding Research misconduct are set out in 14 CFR part 1275, "Investigation of Research Misconduct."

\* \* \* \* \*

■ 8. Add § 1274.943 to read as follows:

##### § 1274.943 Investigation of Research Misconduct.

##### Investigation of Research Misconduct (May 2005)

Recipients of this cooperative agreement are subject to the requirements of 14 CFR part 1275, "Investigation of Research Misconduct."

[End of provision]

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Regulation No. 4]

RIN 0960-AF62

#### Amendments to Annual Earnings Test for Retirement Beneficiaries

**AGENCY:** Social Security Administration.

**ACTION:** Final rules.

**SUMMARY:** These final rules amend our regulations to conform to the "Senior Citizens' Freedom to Work Act of 2000." This legislation was enacted on April 7, 2000, and became retroactively effective on January 1, 2000. It eliminates the Social Security annual earnings test for retirement beneficiaries, starting from the month in which they reach full retirement age. Before the passage of this legislation, persons reaching full retirement age were subject to an earnings test until the month in which they attained age 70.

**DATES:** *Effective Date:* These rules are effective June 20, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Skipwith, Social Insurance Specialist, Office of Income Security Programs, Social Security Administration, Cubicle # 128, RRCC, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, 410-965-4231 or TTY 410-966-5609. For information on eligibility or filing for benefits: Call our national toll-free numbers, 1-800-772-1213 or TTY 1-800-325-0078, or visit our Internet web site, Social Security Online, at <http://www.socialsecurity.gov>.

*Electronic Version:* The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office, <http://www.gpoaccess.gov/fr/index.html>. It is also available on the Internet site for SSA (*i.e.*, Social Security Online) at <http://www.socialsecurity.gov/regulations/final-rules.htm>.

#### SUPPLEMENTARY INFORMATION:

##### Background

In addition to the revisions required by the "Senior Citizens' Freedom to Work Act of 2000," which eliminated the annual earnings test for persons reaching full retirement age, we have made changes necessitated by the "Social Security Amendments of 1983," Public Law 98-21. This legislation increases the full retirement age for persons born in 1938 or later in incremental amounts, with a full 2-year increase in full retirement age for persons born in 1960 or later. We have

also revised the existing regulatory sections to present them in plain language and to update the examples.

#### Explanation of Changes

The following is a brief summary of the sections we have revised and the changes to each of them.

*Section 404.338 Widow's and widower's benefits amounts.* This section describes the benefit amount a widow or widower may expect to receive relative to the benefit amount of the deceased insured spouse. The benefit amount for the widow or widower may include increased benefits based on delayed retirement credit of the deceased insured spouse, or reduced benefits based on the deceased insured spouse retiring before reaching full retirement age. This section also discusses widow or widower benefits based on a special primary insurance amount when the insured died before reaching age 62.

We have revised this section to reflect the change in full retirement age.

*Sections 404.415 and 404.416 Deductions because of excess earnings; annual earnings test. Amount of deduction because of excess earnings.* We have combined §§ 404.415 and 404.416 into a new § 404.415, "Deductions because of excess earnings," because the topics are closely related and overlapping.

New § 404.415 explains the effect of excess earnings on the benefits of:

1. An insured person caused by his/her excess earnings;
2. An auxiliary beneficiary because of the excess earnings of the insured person on whose record he/she draws benefits;
3. An auxiliary beneficiary because of his/her own excess earnings, which reduce only that beneficiary's benefits.

The new § 404.415 also reflects the legislated changes in full retirement age and annual earnings test.

*Section 404.428 Earnings in a taxable year.* This section clarifies the method for calculating a beneficiary's or prospective beneficiary's annual earnings with respect to the annual earnings test. It also clarifies when the claimant may use a taxable year other than a calendar year, and the number of months in a taxable year used in the earnings test calculation for the year of death. This section also defines which reporting year wage earners and self-employed individuals must use relative to the year in which the earnings were earned.

This section is revised to reflect changes in the annual earnings test and full retirement age.