

**EFFECTIVE DATE:** November 18, 1999.  
**FOR FURTHER INFORMATION CONTACT:** Peter White, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7128, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** A final rule airworthiness directive applicable to Pratt & Whitney (PW) JT9D-7R4 series turbofan engines, was published in the **Federal Register** on September 24, 1999 (64 FR 51683). The Rule should reference HPT disk fracture instead of HPC disk fracture. In addition, a typographical error occurred and, as a result, one Service Bulletin reference regarding the performance of the inspections is incorrect and has been corrected to refer to the SB that contains the actual inspection procedure. The following corrections are needed:

- § 39.13 [Corrected]**
1. On page 51684, in the first column, in the Compliance Section, in the first paragraph, in the second line, "To prevent a high pressure compressor (HPC) disk fracture" is corrected to read "To prevent a high pressure turbine (HPT) disk fracture."
2. On page 51684, in the second column, in the Compliance Section, in paragraph (a), in the sixth, seventh, eighth and ninth lines, ""PW SB JT9D-7R4-72-552, Revision 1, dated February 17, 1999 at each separation of the HPT disk from the HPT module after the effective date of the AD." is corrected to read "PW SB JT9D-7R4-72-553, Revision 1, dated February 17, 1999 at each HPT disk piece part accessibility after the effective date of this AD."

**David A. Downey,**  
*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
[FR Doc. 99-29824 Filed 11-17-99; 8:45 am]  
**BILLING CODE 4910-13-U**

**RAILROAD RETIREMENT BOARD**

**20 CFR Part 220**

**RIN 3220-AB41**

**Determining Disability**

**AGENCY:** Railroad Retirement Board.  
**ACTION:** Interim final rule.

**SUMMARY:** The Railroad Retirement Board (Board) amends its regulations to increase from \$500 to \$700 the average monthly earnings guidelines used to determine whether work done by an individual may be considered regular

employment. This change coincides with an increase in the guidelines contained in the regulations of the Social Security Administration for determining substantial gainful activity that became effective July 1, 1999.  
**DATES:** *Effective Date:* This rule is effective November 18, 1999.  
*Applicability Date:* This rule will be applied to all disability claims for which a final decision had not been rendered as of July 1, 1999.  
*Comment Date:* Comments due on or before January 18, 2000.  
**ADDRESSES:** Comments may be made to the Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.  
**FOR FURTHER INFORMATION CONTACT:** Thomas W. Sadler, Senior Attorney, (312) 751-4513, TDD (312) 751-4701.  
**SUPPLEMENTARY INFORMATION:** The Railroad Retirement Act provides for disability annuities for employees, widow(er)s, and children of deceased railroad employees who are unable to engage in any regular employment because of a permanent physical or mental impairment. Regular employment is defined by reference to the definition of substantial gainful activity under the Social Security Act. Sections 220.141 and 220.142 of the Board's regulations reflect this definition and define "substantial gainful activity" (SGA) as work activity that involves doing significant physical or mental activities for pay or profit. Work activity is gainful if it is the kind of work usually done for pay or profit, whether or not a profit is realized. Section 220.143 sets forth earnings levels at which the Board considers a disabled person to be engaged in SGA regardless of the severity of his or her impairment. The amount of average monthly earnings that ordinarily demonstrates SGA for people with an impairment has not been increased since January 1, 1990. Consequently, with respect to months after June 1999 the Board raises from \$500 to \$700 the average monthly earnings guidelines used to determine whether work done by a person with a disability is substantial gainful activity. The Board has determined that an increase in the amount of earnings that constitutes SGA provides an updated indicator of when earnings demonstrate the ability to engage in SGA and is a significant improvement to the existing incentives to encourage individuals with disabilities to attempt to work. This increase also conforms to changes in the regulations of the Social Security Administration which became effective July 1, 1999 (64 FR 18566, April 15,

1999; a correction appears at 64 FR 22903, April 28, 1999).  
The Board is publishing this rule as an interim final rule in order to make it effective immediately. However, any person wishing to comment on this rule may do so within 60 days of this publication in the **Federal Register**.  
In order to comply with the President's June 1, 1998 memorandum directing the use of plain language for all proposed and final rulemaking, the regulatory paragraphs affected by the above rule changes have been rewritten into plain language. The rewrite is intended to have no substantive effect other than those substantive changes described in this preamble to these rules.  
The Board, with the concurrence of the Office of Management and Budget, has determined that this rule is not a significant regulatory action under Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

**List of Subjects in 20 CFR Part 220**

Disability benefits, Railroad employees, Railroad retirement.  
For the reasons set out in the preamble, the Railroad Retirement Board amends § 220.143 of title 20, chapter II, part 220 of the Code of the Federal Regulations as follows:

**PART 220—DETERMINING DISABILITY**

1. The authority for part 220 continues to read as follows:  
**Authority:** 45 U.S.C. 231a; 45 U.S.C. 231f.  
2. In § 220.143, paragraphs (b)(2), (3), and (4) are revised as follows:

**§ 220.143 Evaluation guides for an employed claimant.**  
\* \* \* \* \*  
(b) \* \* \*  
(2) *Earnings that will ordinarily show that the claimant has engaged in substantial gainful activity.* The Board will consider that the earnings from the employed claimant's work activities show that the claimant has engaged in substantial gainful activity if—

For months	Monthly earnings averaged more than
In calendar years before 1976 ...	\$200
In calendar year 1976 .....	230
In calendar year 1977 .....	240
In calendar year 1978 .....	260
In calendar year 1979 .....	280
In calendar years 1980-1989 .....	300
In January 1990-June 1999 .....	500
After June 1999 .....	700

(3) *Earnings that will ordinarily show that the claimant has not engaged in substantial gainful activity.* The Board will generally consider that the earnings from the employed claimant's work will show that the claimant has not engaged in substantial gainful activity if—

For months	Monthly earnings averaged less than
In calendar years before 1976 ...	\$130
In calendar year 1976 .....	150
In calendar year 1977 .....	160
In calendar year 1978 .....	170
In calendar year 1979 .....	180
In calendar years 1980–1989 .....	190
After December 1989 .....	300

(4) *If the claimant works in a sheltered workshop.* If the claimant is working in a sheltered workshop or a comparable facility especially set up for severely impaired persons, the claimant's earnings and activities will ordinarily establish that the claimant has not done substantial gainful activity if—

For months	Average monthly earnings are not greater than
In calendar years before 1976 ...	\$200
In calendar year 1976 .....	230
In calendar year 1977 .....	240
In calendar year 1978 .....	260
In calendar year 1979 .....	280
In calendar years 1980–1989 .....	300
In January 1990–June 1999 .....	500
After June 1999 .....	700

\* \* \* \* \*

Dated: November 10, 1999.  
By authority of the Board.  
For the Board.

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 99–30074 Filed 11–17–99; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 884

[Docket No. 97N–0335]

#### Obstetric and Gynecologic Devices; Reclassification and Classification of Medical Devices Used for In Vitro Fertilization and Related Assisted Reproduction Procedures; Technical Amendment

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its obstetrical and gynecological device regulations regarding assisted reproductive microscopes and microscope accessories. This action is being taken to ensure accuracy and clarity in the agency's regulations. **EFFECTIVE DATE:** November 18, 1999. **FOR FURTHER INFORMATION CONTACT:** Lajuana D. Caldwell, Office of Policy (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010. **SUPPLEMENTARY INFORMATION:** FDA has discovered that an error was incorporated into the agency's obstetrical and gynecological devices regulations for assisted reproductive microscopes and microscope accessories. In an amendment to 21 CFR part 884, which added 21 CFR 884.6190 and published on September 10, 1998 (63 FR 48428), a sentence stating that the device is exempt from the premarket notification procedures was inadvertently included in paragraph (a) instead of paragraph (b). This document corrects that error. Publication of this document constitutes final action under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment is nonsubstantive.

#### List of Subjects in 21 CFR Part 884

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 884 is amended as follows:

#### PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

1. The authority citation for 21 CFR part 884 continues to read as follows:

**Authority:** 21 CFR U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 884.6190 is amended by removing the last sentence in paragraph (a), and paragraph (b) is revised to read as follows:

#### § 884.6190 Assisted reproductive microscopes and microscope accessories.

\* \* \* \* \*

(b) *Classification.* Class 1. This device is exempt from the premarket notification procedures in subpart E of part 807 of chapter subject to limitation in § 884.9.

Dated: November 4, 1999.

**Linda S. Kahan,**

*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 99–30084 Filed 11–17–99; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 202

[Docket No.: RM–99–6]

#### Copyright Rules and Regulations

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Technical amendment.

**SUMMARY:** The definition of what is the best edition of a published work is found in 37 CFR 202.19(b)(1)(i). The Copyright Office is amending its regulations to clarify where the public may find a statement on the best edition of published copyrighted works for the collections of the Library of Congress. The statement, which contains the criteria for selection of what constitutes the “best edition” of a published work, is located in appendix B of 37 CFR part 202.

**EFFECTIVE DATE:** November 18, 1999.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Fax: (202) 707–8366.

**SUPPLEMENTARY INFORMATION:** Section 407 of the copyright statute requires that the best edition of a published work must be deposited with a copyright registration application so that the Library of Congress may consider whether to select a work for its collections or for other suitable purposes. See 37 CFR 202.19. The Copyright Office is now amending its regulation concerning what constitutes