(b) If no crack is found during the inspection required by paragraph (a) of this AD, repeat the inspection at the following intervals:

(1) If the immediately preceding inspection was accomplished using visual means, conduct the next inspection within 1,000 landings.

(2) If the immediately preceding inspection was accomplished using eddy current means, conduct the next inspection within 3,000 landings.

(c) If any crack is found during any inspection required by paragraph (a) or (b) of this AD, prior to further flight, remove and replace the slat drive mechanism with a new part, part numbers 5938887—(any configuration) and 5938886—(any configuration), in accordance with A27–322.

New Requirements of This AD

Initial and Repetitive Inspections

(d) Perform visual and/or eddy current inspections, as applicable, to detect cracks of the actuator cylinder support brackets of the slat drive mechanism assembly, in accordance with McDonnell Douglas Alert Service Bulletin MD80–27A322, Revision 03, dated August 4, 1998, at the time specified in paragraph (d)(1), (d)(2), or (d)(3), as applicable, of this AD.

(1) For airplanes on which no inspection has been performed in accordance with AD 91–21–11: Perform both visual and eddy current inspections prior to the accumulation of 10,000 total landings or within 30 days after the effective date of this AD, whichever occurs later.

(2) For airplanes on which the immediately preceding inspection was performed using visual means in accordance with AD 91–21–11, accomplish the requirements of paragraphs (d)(2)(i) and (d)(2)(ii) of this AD.

(i) Within 1,000 landings after the immediately preceding visual inspection, perform a visual inspection; and

(ii) Within 6 months after the last visual inspection required by paragraph (d)(2)(i) of this AD, perform an eddy current inspection.

(3) For airplanes on which the immediately preceding inspection was performed using eddy current means in accordance with AD 91–21–11: Perform an eddy current inspection within 3,000 landings after the last eddy current inspection.

(e) If no crack is found during any inspection required by paragraph (d) of this AD, repeat the eddy current inspection thereafter at intervals not to exceed 3,000 landings until the actions specified in paragraph (g) of this AD are accomplished for both actuator cylinder support brackets of the slat drive mechanism assembly.

Corrective/Terminating Action

(f) If any cracking is found during any inspection required by paragraph (d) or (e) of this AD, prior to further flight, modify the actuator cylinder support bracket of the slat drive mechanism assembly (Option 1 or 2 for Group 1 or 2 airplanes, as applicable) in accordance with McDonnell Douglas Service Bulletin MD80–27–322, Revision 02, dated February 11, 1998, as specified in paragraph (f)(1) or (f)(2), as applicable, of this AD.

(1) For airplanes identified as Group 1 in the service bulletin: Accomplish the actions as identified in the service bulletin as Group 1 Option 1 or Group 1 Option 2.

(2) For airplanes identified as Group 2 in the service bulletin: Accomplish the actions as identified in the service bulletin as Group 2 Option 1 or Group 2 Option 2.

(g) Accomplishment of the modification of the actuator cylinder support bracket specified in paragraph (f) of this AD constitutes terminating action for the repetitive inspections required by this AD, provided that both actuator cylinder support brackets are modified.

Alternative Methods of Compliance

(h)(1) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 91–21–11, amendment 39–8058, are approved as alternative methods of compliance for this AD.

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

Special Flight Permits

(i) 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.

Incorporation by Reference

(j) The actions shall be done in accordance with McDonnell Douglas MD–80 Alert Service Bulletin A27–322, dated August 22, 1991; McDonnell Douglas Service Bulletin MD80–27–322, Revision 02, dated February 11, 1998; or McDonnell Douglas Alert Service Bulletin MD80–27A322, Revision 03, dated August 4, 1998; as applicable.

(1) The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD80–27A322, Revision 03, dated August 4, 1998; and McDonnell Douglas Service Bulletin MD80–27–322, Revision 02, dated February 11, 1998, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of McDonnell Douglas MD–80 Alert Service Bulletin A27–322, dated August 22, 1991, was approved previously by the Director of the Federal Register as of October 30, 1991 (56 FR 51645, October 15, 1991).

(3) Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on November 12, 1999.

Issued in Renton, Washington, on September 28, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–25764 Filed 10–6–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 774

[Docket No. 990920257–9257–01]

RIN 0694–AB85

Revisions to the Commerce Control List (ECCNs 1C351, 1C991, and 2B351): Medical Products Containing Biological Toxins; and Toxic Gas Monitoring Systems and Dedicated Detectors

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the Commerce Control List (CCL) of the Export Administration Regulations to implement an October 1998 Australia Group agreement to amend controls on toxic gas monitoring systems and dedicated detectors. This final rule also amends the CCL to authorize, without a license, exports of medical products containing controlled biological toxins (except saxitoxin and ricin) that are developed, packaged and sold for medical treatment. This rule will result in a decreased licensing burden on U.S. industry.

EFFECTIVE DATE: This rule is effective October 7, 1999.:

FOR FURTHER INFORMATION CONTACT: James Seevaratnam, Director, Chemical and Biological Controls Division, Bureau of Export Administration, (202) 501–7900.

SUPPLEMENTARY INFORMATION:

Background

The Australia Group (AG), a multilateral forum for the coordination of export controls to curtail the proliferation of chemical and biological weapons, held its annual consultations in Paris, October 9–15, 1998. The 30 AG member countries agreed to maintain export controls on a list of chemicals,

biological agents, relevant equipment and technology that could be used in the production of chemical or biological weapons. The AG reviews items on its control list periodically to enhance the effectiveness and achieve greater harmonization of member governments' national controls.

At the October 1998 Australia Group consultations, participants agreed to revise the control list entry for toxic gas monitoring systems and dedicated detectors to clarify the scope of controls. To implement this agreement, this final rule amends the Commerce Control List (CCL) of the Export Administration Regulations (EAR) by revising Export Control Classification Number (ECCN) 2B351. Specifically, the phrase ''or organic compounds containing phosphorus, sulphur, fluorine or chlorine'' is deleted from the description of items controlled, and a technical note is added to clarify that systems capable of detecting compounds containing these chemicals are controlled. The Department of Commerce has routinely interpreted this entry to include systems with capability to detect inorganic compounds. The AG discussions confirmed that other AG members agreed with this interpretation.

The Department of Commerce also maintains controls on exports of biological agents that could be used in the production of biological weapons. These materials require a license for export and reexport to all destinations, except Canada. These controls are implemented in accordance with the export control provisions of the Australia Group. Medical products that contain the AG-controlled biological toxins that are prepackaged in units applicable to the intended medical treatment pose no significant proliferation concerns. Therefore, this final rule adds to ECCN 1C991 medical products that contain biological toxins controlled under ECCN 1C351.d, except d.5 and d.6 (ricin and saxitoxin), when such products are developed, packaged and sold for medical treatment. Such products may be exported and reexported without a license to all countries except countries listed in CB Column 3 on the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR). This new exemption from licensing requirements does not apply if the biological toxin is to be exported in any other configuration, including bulk shipments, or for any other end-uses.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, extended by Presidential notice of August 10, 1999, 64 FR 44101 (August 13, 1999).

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid Office of Management and Budget Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes for a manual submission and 40 minutes for an electronic submission.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects in 15 CFR Part 774

Exports, foreign trade.

Accordingly, 15 CFR Chapter 7, Subchapter C, is amended to read as follows:

1. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 10, 1999, 64 FR 44101 (August 13, 1999).

PART 774—[AMENDED]

2. Category 1, Materials, of the Commerce Control List is amended by revising the ''List of Items Controlled'' in ECCN 1C351 and revising ECCN 1C991, to read as follows:

1C351 Human pathogens, zoonoses, and ''toxins'', as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: $ value.

Related Controls: All vaccines and ''immunotoxins'' are excluded from the scope of this entry. Certain medical products that contain biological toxins controlled under paragraph (d) of this entry, with the exception of d.5 and d.6, are excluded from the scope of this entry. Vaccines, ''immunotoxins'', and certain medical products excluded from the scope of this entry are controlled under ECCN 1C991.

Related Definition: 1.) For the purposes of this entry ''immunotoxin'' is defined as an antibody-toxin conjugate intended to destroy specific target cells (e.g., tumor cells) that bear antigens homologous to the antibody. 2.) For the purposes of this entry ''subunit'' is defined as a portion of the ''toxin''.

Items: a. Viruses, as follows:

a.1. Chikungunya virus;
a.2. Congo-Crimean haemorrhagic fever virus;
a.3. Dengue fever virus;
a.4. Eastern equine encephalitis virus;
a.5. Ebola virus;
a.6. Hantaan virus;
a.7. Japanese encephalitis virus;
a.8. Junin virus;
a.9. Lassa fever virus;
a.10. Lymphocytic choriomeningitis virus;
a.11. Machupo virus;
a.12. Marburg virus;
a.13. Monkey pox virus;
a.14. Rift Valley fever virus;
a.15. Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus);
a.16. Variola virus;
a.17. Venezuelan equine encephalitis virus;
a.18. Western equine encephalitis virus;
a.19. White pox; *or*
a.20. Yellow fever virus.

b. Rickettsiae, as follows:

b.1. Bartonella quintana (Rochalimea quintana, Rickettsia quintana);
b.2. Coxiella burnetii;
b.3. Rickettsia prowasecki; *or*

b.4. Rickettsia rickettsii.

c. Bacteria, as follows:

c.1. Bacillus anthracis;
c.2. Brucella abortus;
c.3. Brucella melitensis;
c.4. Brucella suis;
c.5. Burkholderia mallei (Pseudomonas mallei);
c.6. Burkholderia pseudomallei (Pseudomonas pseudomallei);
c.7. Chlamydia psittaci;
c.8. Clostridium botulinum;
c.9. Francisella tularensis;
c.10. Salmonella typhi;
c.11. Shigella dysenteriae;
c.12. Vibrio cholerae; *or*
c.13. Yersinia pestis.

d. ''Toxins'', as follows: and subunits thereof:

d.1. Botulinum toxins;
d.2. Clostridium perfringens toxins;
d.3. Conotoxin;
d.4. Microcystin (cyanginosin);
d.5. Ricin;
d.6. Saxitoxin;
d.7. Shiga toxin;
d.8. Staphylococcus aureus toxins;
d.9. Tetrodotoxin;
d.10. Verotoxin; *or*
d.11. Aflatoxins.

1C991 Vaccines, immunotoxins and medical products, as follows (see List of Items controlled).

License Requirements

Reason for Control: CB, AT.

Control(s)	Country chart
CB applies to 1C991.c.	CB Column 3.
AT applies to entire entry.	AT Column 1.

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: $ value.
Related Controls: N/A.
Related Definitions: For the purpose of this entry ''immunotoxin'' is defined as an antibody-toxin conjugate intended to destroy specific target cells (e.g., tumor cells) that bear antigens homologous to the antibody. For the purpose of this entry, ''medical products'' are prepackaged in units applicable to the intended medical treatment, and do not include biological toxins in any other configuration, including bulk shipments, or for any other end-uses. Such toxins are controlled by ECCN 1C351.

Items: a. Vaccines containing items controlled by ECCNs 1C351, 1C352, 1C353 and 1C354;

b. Immunotoxins; *and*

c. Medical products containing biological toxins controlled by ECCN 1C351.d, except d.5 and d.6.

3. Category 2, Materials Processing, of the Commerce Control List is amended by revising the ''List of Items Controlled'' in ECCN 2B351 to read as follows:

2B351 Toxic gas monitoring systems and dedicated detectors therefor.

* * * * *

List of Items Controlled

Unit: Equipment in number.
Related Controls: N/A.
Related Definitions: N/A.
Items: a. Designed for continuous operation and usable for the detection of chemical warfare agents or chemicals controlled by 1C350 at concentrations of less than 0.3mg/m ^{3} (see technical note below); *or*

b. Designed for the detection of cholinesterase-inhibiting activity.

Technical Note: Toxic Gas Monitoring Systems, controlled under 2B351.a., include those with detection capability for chemicals containing phosphorus, sulfur, fluorine or chlorine, other than those specified in 1C350.

Dated: September 30, 1999.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 99–26215 Filed 10–6–99; 8:45 am]
BILLING CODE 3510–33–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 157, 284, 380, and 385

[Docket No. RM98–9–001; Order No. 603-A]

Revision Of Existing Regulations Under the Natural Gas Act

Issued September 29, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; order on rehearing.

SUMMARY: On rehearing, the Federal Energy Regulation Commission reaffirms its basic determinations in Order No. 603 and modifies and clarifies certain aspects of the Final Rule based on the requests for rehearing. Order No. 603 updated the Commission's regulations governing the filing of applications for the construction and operation of facilities to provide service or to abandon facilities or service under section 7 of the Natural Gas Act. The changes were necessary to conform the Commission's regulations to the Commission's current policies.

DATES: The revision to the regulations in this order on rehearing become effective November 8, 1999.

ADDRESSES: Federal Energy Regulatory Commission 888 First Street, N.E. Washington DC, 20426.

FOR FURTHER INFORMATION CONTACT:

Michael J. McGehee, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208–2257

Carolyn Van Der Jagt, Office of the General Counsel, Federal Energy Regulatory Commission 888 First Street, N.E., Washington, DC 20426 (202)208–2246.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE., Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission from November 14, 1994, to the present. CIPS can be accessed via Internet through FERC's Home Page (http://www.ferc.fed.us) using the CIPS Link or the Energy Information Online icon. Documents will be available on CIPS in ASCII and WordPerfect 8.0. User assistance is available at 202–208–2474 or by E-mail to cips.master@ferc.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Home Page using the RIMS link or the Energy Information Online icon. User assistance is available at 202–208–2222, or by E-mail to rimsmaster@ferc.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc. is located in the Public Reference Room at 888 First Street, NE, Washington, DC 20426.