

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

#### 99-21-08 Raytheon Aircraft Company (Formerly Beech): Amendment 39-11351. Docket 98-NM-280-AD.

**Applicability:** Model 400A airplanes, serial numbers RK-1 through RK-92 inclusive, 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 (c) 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 chafing of the fuel drain tube assembly, which could result in fuel leakage from the fuel drain tube assembly and consequent risk of fire, accomplish the following:

#### Replacement

(a) At the next scheduled inspection, but no later than 200 flight hours after the effective date of this AD, replace the existing aft fuselage fuel drain tube assembly, part number (P/N) 128-920151-1, with a new, modified tube assembly, P/N 128-920237-1, in accordance with Raytheon Aircraft Service Bulletin SB.28-3076, dated October, 1997.

#### Spares

(b) As of the effective date of this AD, no person shall install a fuel drain tube assembly, P/N 128-920151-1, on any airplane.

#### Alternative Methods of Compliance

(c) 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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

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

#### Special Flight Permits

(d) 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

(e) The replacement shall be done in accordance with Raytheon Aircraft Service Bulletin SB.28-3076, dated October, 1997. 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 Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

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

#### D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 99-25765 Filed 10-6-99; 8:45 am]  
BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-267-AD; Amendment 39-11349; AD 99-21-06]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model DC-9-81, -82, -83, and -87 Series Airplanes (MD-81, -82, -83, and -87), and Model MD-88 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all McDonnell Douglas Model DC-9-81, -82, -83, and -87 series airplanes (MD-81, -82, -83, and -87), and Model MD-88 airplanes, that currently requires visual or eddy current inspections to detect cracks of the actuator cylinder support brackets of the slat drive mechanism assembly, and replacement of any cracked brackets. This amendment continues to require repetitive eddy current inspection, adds an inspection requirement, and expands the area of inspection. This amendment also provides terminating action for the repetitive inspections. This amendment is prompted by reports indicating that additional cracking was found outside the original inspection area. The actions specified by this AD are intended to prevent inadvertent slat retraction in flight.

**DATES:** Effective November 12, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 12, 1999.

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).

**ADDRESSES:** The service information referenced in this AD 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). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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.

**FOR FURTHER INFORMATION CONTACT:** Brent Bandle, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5237; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 91-21-11, amendment 39-8058 (56 FR 51645, October 15, 1991), which is applicable to all McDonnell Douglas Model DC-9-81, -82, -83, and -87 Series Airplanes (MD-81, -82, -83, and -87), and Model MD-88 airplanes, was published in the **Federal Register** on July 21, 1999 (64 FR 39097). The action proposed to continue to require eddy current inspections to detect cracks of the actuator cylinder support brackets of the slat drive mechanism assembly, and replacement of any cracked brackets. That action also proposed to add an inspection requirement, and expand the area of inspection. That action also proposed to provide terminating action for the repetitive inspections.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

#### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 1,180 airplanes of the affected design in the worldwide fleet. The FAA estimates that 787 airplanes of U.S. registry will be affected by this AD.

The inspections that are currently required by AD 91-21-11 take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$141,660, or \$180 per airplane, per inspection cycle.

The one-time visual inspection that is required by this AD will take

approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be \$47,220, or \$60 per airplane.

The inspections of the expanded area that are required by this AD will take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be \$94,440, or \$120 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator be required or elect to accomplish the terminating modification that is provided by this AD action, it will take between 130 and 162 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost \$22,574 per airplane. Based on these figures, the cost impact of the optional terminating modification, is estimated to be between \$30,374 and \$32,294 per airplane.

#### 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.

For the reasons discussed above, I certify that this action: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

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#### 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 removing amendment 39-8058 (56 FR 51645, October 15, 1991), and by adding a new airworthiness directive (AD), amendment 39-11349, to read as follows:

**99-21-06 McDonnell Douglas:** Amendment 39-11349. Docket 98-NM-267-AD. Supersedes AD 91-21-11, Amendment 39-8058.

**Applicability:** All Model DC-9-81, -82, -83, and -87 series airplanes (MD-81, -82, -83, and -87); and Model MD-88 airplanes; 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 (h)(1) 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 inadvertent slat retraction in flight, accomplish the following:

#### Restatement of Certain Requirements of AD 91-21-11, Amendment 39-8058

(a) Prior to the accumulation of 10,000 total landings or within 30 days after October 30, 1991 (the effective date of AD 91-21-11), whichever occurs later, perform a visual or eddy current inspection to detect cracks of the actuator cylinder support brackets of the slat drive mechanism assembly, part numbers 5938886—(any configuration) and 5938887—(any configuration), in accordance with the instructions in McDonnell Douglas MD-80 Alert Service Bulletin A27-322, dated August 22, 1991 (hereinafter referred to as "A27-322").

(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. Rigglin,**

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

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## 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,