Airplane Flight Manual (AFM) Revision

(a) Within 24 clock hours after the effective date of this AD, revise the Limitations Section of the FAA-approved AFM to include the following information.

This may be accomplished by inserting a copy of this AD into the AFM.

Except as otherwise provided for in the AFM emergency procedures, do not operate the airplane at speeds in excess of 310 knots indicated airspeed (IAS) with speed brakes extended. Do not operate the airplane above FL 390.

(b) In the event of deployment of the speed brakes at speeds in excess of 310 knots indicated airspeed (IAS), prior to further flight after landing, accomplish the requirements of paragraph (c) of this AD.

Inspections and Check

Note 2: Accomplishment of the inspections and check required by this AD, prior to the effective date of this AD, in accordance with Boeing Alert Service Bulletin 737–55A1068, dated June 9, 1999, is considered acceptable for compliance with the repetitive inspections and checks required by paragraphs (c) and (d) of this AD.

(c) Within 10 days after the effective date of this AD, perform a high frequency eddy current (HFEC) inspection, and a detailed visual inspection of the elevator tab mast fittings of the left and right elevator tab assemblies to detect cracking, and a one-time elevator tab freeplay check to detect freeplay of the elevator tabs, in accordance with Boeing Alert Service Bulletin 737–55A1068, Revision 1, dated June 11, 1999.

Note 3: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If no cracking is found in any elevator tab mast fitting, repeat the HFEC and detailed visual inspections thereafter at intervals not to exceed 15 days, until accomplishment of the actions required by paragraph (d) of this AD.

(2) If any cracking is found in any elevator tab mast fitting, prior to further flight, accomplish the requirements of paragraph (e) of this AD.

(3) If any freeplay is found in any elevator tab, which is outside the limits specified in the alert service bulletin, prior to further flight, perform corrective actions in accordance with the alert service bulletin.

Note 4: Boeing Alert Service Bulletin 737–55A1068, Revision 1, dated June 11, 1999, references Boeing Model 737–600/−700/−800 Maintenance Manual (AMM), Subjects 27–09–91, 27–31–00, and 51–21–99; 737 Nondestructive Test (NDT) Manual D6–37239, Part 6, Subject 55–00–00; 737 Structural Repair Manual (SRM) Subject 51–20–81; and Operations Manual Service Bulletin D6–27370–TBC (''Elevator Tab Operational Limitations''), dated June 10, 1999; as additional sources of service information to accomplish certain requirements of this AD.

Time-Limited Modification

(d) Within 90 days after the effective date of this AD, install an additional high-strength fastener on the elevator tab mast fitting in accordance with Boeing Alert Service Bulletin 737–55A1068, Revision 1, dated June 11, 1999. Accomplishment of this modification constitutes terminating action for the requirements of paragraph (b) of this AD. Following accomplishment of the installation, the AFM revision required by paragraph (a) of this AD may be removed from the AFM. Following accomplishment of the installation, repeat the HFEC and detailed visual inspections required by paragraph (c) of this AD thereafter at intervals not to exceed 90 days until accomplishment of paragraph (e) of this AD.

Terminating Action

(e) Within 4,000 flight cycles or 18 months after the effective date of this AD, whichever occurs earlier, replace the elevator tab mast fittings with new, improved tab mast fittings, in accordance with Boeing Service Bulletin 737–55–1063, dated July 1, 1999. Accomplishment of this replacement action constitutes terminating action for the requirements of this AD.

Spares

(f) As of the effective date of this AD, no elevator tab mast fitting, part number (P/N) 183A8400–1 or 183A8400–2, shall be installed on any airplane.

Alternative Methods of Compliance

(g) 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 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, Seattle ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(h) 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

(i) Except as provided by paragraphs (a) and (b) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 737–55A1068, Revision 1, dated June 11, 1999, and Boeing Service Bulletin 737–55–1063, dated July 1, 1999. 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.

(j) This amendment becomes effective on August 11, 1999.

Issued in Renton, Washington, on July 13, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18364 Filed 7–26–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1309 and 1310

[DEA NUMBER 168–F]

RIN 1117–AA46

Temporary Exemption From Chemical Registration for Distributors of Pseudoephedrine and Phenylpropanolamine Products

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is finalizing the Interim Final Rule, which included a request for comment, published in the **Federal Register** on October 17, 1997 (62 FR 53959). The interim rule amended the regulations to provide a temporary exemption from the registration requirement for persons who distribute pseudoephedrine and phenylpropanolamine drug products. No comments to the Interim Final Rule were received. This Final Rule makes those exemptions permanent.

FOR FURTHER INFORMATION CONTACT: Patricia Good, Chief, Liaison and Policy Section, Office of Diversion Control, Washington, DC 20537, telephone (202) 307–7297.

EFFECTIVE DATES: July 27, 1999.

SUPPLEMENTARY INFORMATION: On October 17, 1997, the Drug Enforcement Administration (DEA) published an Interim Final rule with request for comment which provided temporary exemption from the registration requirement for persons who distribute pseudoephedrine and phenylpropanolamine drug products (62 FR 53959).

Two specific exemptions were established in this interim rulemaking. The first exemption dealt with retail distributors of regulated drug products.

DEA amended 21 CFR 1309.29 to exempt retail distributors of pseudoephedrine and phenylpropanolamine related drug products from the registration requirement, so long as they engaged exclusively in distributions of regulated drug products below the 24-gram limit in a single transaction for legitimate medical use, either directly to walk-in customers or in face-to-face transactions by direct sales. The second exemption dealt with persons who are required to obtain a registration. The interim rule amended 21 CFR 1310.09 to provide that any person who submitted an application for registration for activities involving pseudoephedrine and phenylpropanolamine regulated drug products on or before December 3, 1997, was exempted from the registration requirement for their lawful activities with regulated drug products until the Administration takes final action with respect to that application.

No comments were received regarding this interim rulemaking. Therefore, the interim rule is adopted without change.

The Deputy Assistant Administrator for the Office of Diversion Control hereby certifies that this final rulemaking will not have a significant economic impact upon a substantial number of small business entities whose interest must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This final rulemaking is an administrative action to make the regulations consistent with the law and to avoid interruption of legitimate commerce by granting temporary exemptions from registration.

The Deputy Assistant Administrator further certifies that this final rulemaking has been drafted in accordance with the principles in Executive Order 12866 Section 1–B. DEA has determined that this is not a significant rulemaking action.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. this rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

The interim rule amending 21 CFR parts 1309 and 1310 which was published on October 17, 1997 at 62 FR 53959 is adopted as a final rule.

Dated: June 23, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 99–19047 Filed 7–26–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Part 100

RIN 0906–AA50

National Vaccine Injury Compensation Program: Addition of Vaccines Against Rotavirus to the Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final rule.

SUMMARY: This final rule amends the existing regulations governing the National Vaccine Injury Compensation Program (VICP) by adding vaccines against rotavirus to the Table of Injuries, which lists the vaccines covered under the VICP. This action is taken under section 2114(e) of the Public Health Service Act (the Act). The VICP provides a system of no-fault compensation for certain individuals who have been injured by specific childhood vaccines.

The two prerequisites for adding vaccines against rotavirus to the VICP have been satisfied. An excise tax of 75 cents per dose was enacted on October 21, 1998, and took effect for sales of the vaccines after October 21, 1998. The Centers for Disease Control and Prevention (CDC) has recommended to the Secretary of HHS that this vaccine be routinely administered to children. Thus, vaccines against rotavirus are now included in the VICP.

EFFECTIVE DATE: This regulation is effective on July 27, 1999. As provided by section 13632(a)(3) of Public Law 103–66, the Omnibus Budget Reconciliation Act of 1993, the addition of the vaccines against rotavirus to the VICP took effect on October 22, 1998, the effective date of the excise tax. See the discussion under **SUPPLEMENTARY INFORMATION**, for an explanation of the implications of this applicability date.

FOR FURTHER INFORMATION CONTACT: Geoffrey Evans, M.D., Medical Director, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8A–46, 5600 Fishers Lane, Rockville, Maryland 20857; telephone number (301) 443–4198.

SUPPLEMENTARY INFORMATION: The statute authorizing the VICP provides for the inclusion of additional vaccines in the Program when they are recommended by the CDC to the Secretary for routine administration to children. See section 2114(e) of the Act, 42 U.S.C. 300aa–14(e). Consistent with section 13632(a)(3) of Public Law 103–66, the regulations governing the Program provide that such vaccines will be included in the Table of Injuries when an excise tax to provide funds for the payment of compensation with respect to such vaccines takes effect. 42 CFR 100.3(c)(3) (1998).

The CDC recommendation regarding vaccines against rotavirus was published in the Morbidity and Mortality Weekly Report on March 19, 1999. The excise tax for such vaccines was enacted by Public Law 105–277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and became effective for sales after October 21, 1998. Accordingly, we are amending the regulations to include specific reference to rotavirus vaccines in the Table of Injuries and in the ''coverage'' portion of the regulations.

We have not identified any illness, disease, injury or condition which is caused by vaccines against rotavirus. Thus, the vaccine is added to the Table of Injuries with ''No Condition Specified.'' If we learn of any such illness, disease, injury or condition, we will consider amending the Table of Injuries to provide for its coverage, and a time period in which the first symptom or manifestation of its onset will be presumed to be vaccine-related.

Section 2116(b) of the Act, 42 U.S.C. 300aa–16(b), provides that individuals who were not previously eligible to file a petition before a revision to the Table of Injuries may file a petition for compensation for a vaccine added to the Table of Injuries. Such a petition must be filed not later than 2 years after the effective date of the revision if the injury or death occurred not more than