Bureau of Export Administration Freedom of Information Records Facility, room 4086, Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Margaret Cornejo, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 377–2593.

List of Subjects in 15 CFR Part 773

Exports, Reporting and recordkeeping requirements.

Accordingly, part 773 of the Export Administration Regulations (15 CFR parts 730–799) is amended as follows:

1. The authority citation for 15 CFR part 773 jis revised to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97–145 of December 29, 1981, Pub. L. 99–64 of July 12, 1985 and by Pub. L. 100–418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986.) Sec. 203, 205, Pub. L. 95–223, Title II, 91 Stat. 1626, 1628 (50 U.S.C. 1702, 1704); Executive Order No. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990).

2. In § 773.2 paragraph (f)(1) is revised to read as follows:

§ 773.2 Project license.

* * * * *

(f) *Export clearance.*—(1) *Shipper's Export Declaration.* The Shipper's Export Declaration covering an export made under a Project License shall be prepared in accordance with standard instructions. Although the Project License and amendments describe the commodities only by commodity groups, commodity descriptions on the Declaration shall show specifically the commodity description conforming to the applicable Commodity Control List description and incorporating any additional information where required by Schedule B; *e.g.*, type, size, name of specific commodity, etc. In addition, the Declaration shall include the Project License number. A copy of the Shipper's Export Declaration shall be prepared and be retained by the exporter for recordkeeping purposes for a period of five years (see § 787.13(e)). The Office of Export Licensing may require submission of copies of the Shippers Export Declarations upon notification.

* * * * *

3. In § 773.3, paragraph (h)(1) is revised to read as follows:

§ 773.3 Distribution license.

* * * * *

(h) *Special documentation for specific destination.*—(1)*Export by license holders.* A Swiss Blue Import Certificate or Yugoslav End-Use Certificate, as appropriate, covering distribution or use within Switzerland or Yugoslavia, must be obtained from the respective government and forwarded to the license holder before any export is made to these destinations. The license holder shall maintain records of all completed certificates and for partially used certificates maintain a record summarizing the partial shipments for each certificate. Records for partial shipments shall include the certificate number, the quantity and dates of any partial shipments, and the balance remaining unused. The Office of Export Licensing may requires submission of these documents upon notification. Records for this special documentation requirement shall be maintained by the license holder for a period of five years (see § 787.13(e)).

* * * * *

4. In § 773.7, paragraph (e) and the first sentence of (k) introductory text are revised to read as follows:

§ 773.7 Service supply procedure.

* * * * *

(e) *Exports and reexports to Switzerland or Yugoslavia.* For an export or reexport of spare and replacement parts to service equipment located in Switzerland or Yugoslavia, the U.S. exporter or his approved service facility, or the authorized foreign manufacturer, must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the parts to be shipped. Exporters shall maintain these records for a period of five years (see § 787.13(e)). Approved foreign service facilities shall forward, on a quarterly basis, the originals of these documents (or reproduce copies if the originals are required by the government of the country in which the Form ITA–6052P holder is located) directly to the U.S. exporter. A letter of transmittal showing the SL License number of the approved Form ITA–6052P shall accompany the documents. Authorized foreign manufacturers are required to maintain appropriate records. The Office of Export Licensing may requires the exporter or foreign manufacturer to submit these documents upon notification.

* * * * *

(k) *Reports.* Each exporter who has been issued an SL License under the provisions of § 773.7(f)(1) shall prepare, on a yearly basis, a report on all exports made during the preceding year under the SL License (OMB Approval No. 0694–0002). The Office of Export Licensing may require submission of documents upon notification.

* * * * *

Dated: November 5, 1990.

Michael P. Galvin,

Assistant Secretary for Export Administration.

[FR Doc. 90–26523 Filed 11–8–90; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 90–87]

RIN 1515–AA96

Blanket Release Orders

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to permit the use of blanket release orders by carriers in appropriate circumstances. A 1987 amendment to the regulations which eliminated several Customs forms also inadvertently eliminated all references to blanket release orders. It had not been the intention that the orders be eliminated. In order to clarify the status of these orders, this amendment of the regulations will expressly permit use of blanket release orders.

EFFECTIVE DATE: December 10, 1990.

FOR FURTHER INFORMATION CONTACT: John Pfeifer, Office of Cargo Enforcement, U.S. Customs Service (202) 566–5354.

SUPPLEMENTARY INFORMATION:

Background

In 1987, as part of an ongoing effort to streamline its operations, the Customs Service issued T.D. 87–75 which eliminated Customs forms that were determined to require the submission of information already provided to Customs by other means. Among the

forms which were eliminated was CF 7529, entitled "Carrier's Certificate and Release Order". It had been determined that this form was unduly burdensome because the information sought on that form could be supplied in another manner using existing trade documentation as prescribed in 19 CFR 141.11(a).

Unfortunately, blanket release orders as prescribed in 19 CFR 141.11(a)(5) and 141.111(c) specifically required the filing of a CF 7529. When T.D. 87–75 was issued, this fact was overlooked. It had not been Customs intent to disallow the use of blanket release orders in appropriate situations. A blanket release order is a right-to-make-entry document for formal or informal entry procedures. It can be effective for the duration specified in the document.

Customs is now amending the regulations to specifically permit the use of blanket release orders by carriers. The regulations permit appropriately modified bills of lading or air waybills to be used as blanket release orders.

A notice of proposed rulemaking was published in the **Federal Register** on April 3, 1990 (55 FR 12385). No comments were received in response to the proposal. Accordingly, this final rule is being issued as proposed.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 141

Customs duties and inspection; Imports.

Amendments to the Regulations

Part 141, Customs Regulations (19 CFR part 141) is amended as set forth below:

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for part 141 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624. Subpart B also issued under 19 U.S.C. 1483;

* * * * *

2. Section 141.11 is amended by removing the designation "Reserved" in paragraph (a)(5), and adding a new paragraph (a)(5) to read as follows:

§ 141.11 Evidence of right to make entry for importations by common carrier.

(a) * * *

(5) A blanket carrier's release order on an appropriately modified bill of lading or air waybill covering any or all shipments which will arrive within the district on the carrier's conveyance during the period specified in the release order.

* * * * *

3. Section 141.111 is amended by adding a new paragraph (c) to read as follows:

§ 141.111 Carrier's release order.

* * * * *

(c) *Blanket release order.* Merchandise may be released to the person named in the bill of lading or air waybill in the absence of a specific release order from the carrier, if the carrier concerned has filed a blanket order authorizing release to the owner or consignee in such cases. A carrier's certificate in the form shown in § 141.11(a)(4), may be modified and executed to make it a blanket release order for the shipments covered by a blanket carrier's release order under § 141.11(a)(5).

* * * * *

Michael H. Lane,

Acting Commissioner of Customs.

Approved: October 24, 1990.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 90–26586 Filed 11–8–90; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Devices and Radiological Health

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to functions performed by the Center for Devices and Radiological Health (CDRH) to change the name of the Office of Compliance where it appears in the delegations to the Office of Compliance and Surveillance, to conform with the reorganization approved by the Director, Office of Management, Public Health Service, and published in the **Federal Register** of February 9, 1989 (54 FR 6339). This final rule also delegates additional authorities to CDRH officials in the Office of Compliance and Surveillance.

EFFECTIVE DATE: November 9, 1990.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: FDA is amending seven delegations of authority under 21 CFR part 5, relating to functions assigned to CDRH to delegate additional authorities to CDRH officials in the Office of Compliance and Surveillance. The redelegation is designed to make the CDRH approval process more efficient.

FDA is adding the Director, Division of Standards Enforcement, Office of Compliance and Surveillance to the list of officials authorized to act in § 5.37 *Issuance of reports of minor violations* (21 CFR 5.37), paragraph (b); § 5.89 *Notification of defects in, and repair or replacement of, electronic products* (21 CFR 5.89), paragraph (b); and § 5.91 *Dealer and distributor direction to provide data to manufacturers of electronic products* (21 CFR 5.91).

Also, FDA is adding the Director, Division of Compliance Operations, Office of Compliance and Surveillance, to the list of officials authorized to act in § 5.45 *Imports and exports* (21 CFR 5.45), paragraph (e).

Finally, FDA is adding the Director, and Deputy Director, Office of Compliance and Surveillance to the list of officials authorized to act in § 5.46 *Manufacturer's resident import agents* (21 CFR 5.46); § 5.59 *Approval, disapproval, or withdrawal of approval of applications for investigational device exemptions* (21 CFR 5.59), paragraph (a); and § 5.89 *Notification of defects in, and repair or replacement of, electronic products* (21 CFR 5.89), paragraph (a).

In addition, FDA is changing the name of the Office of Compliance, CDRH, to the Office of Compliance and Surveillance, CDRH, in the 12 regulations in which the former name appears.

Further redelegation of the authority is not authorized. Authority delegated to a position by title may be exercised by a

person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354–360F, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 264, 263b–263n, 263, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.22 is amended by revising paragraphs (a)(9)(iii) and (a)(9)(iv) to read as follows:

§ 5.22 Certification of true copies and use of Department seal.

(a) * * *

(9) * * *

(iii) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(iv) The Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH.

* * * * *

3. Section 5.23 is amended by revising paragraphs (c)(2) and (c)(3) to read as follows:

§ 5.23 Disclosure of official records.

* * * * *

(c) * * *

(2)The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(3) The Director, Division of Product Surveillance, Office of Compliance and Surveillance, CDRH.

* * * * *

4. Section 5.37 is amended by revising paragraphs (a)(2)(ii), (a)(2)(iii), (b)(2) and (b)(3), by redesignating paragraph (b)(4) as paragraph (b)(5), and by adding new paragraph (b)(4) to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) * * *

(2) * * *

(ii) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(iii) The Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH

* * * * *

(b) * * *

(2) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(3) Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH.

(4) The Director, Division of Standards Enforcement, Office of Compliance and Surveillance, CDRH.

* * * * *

(5) Section 5.45 is amended by revising paragraphs (b) introductory text, (b)(4), (c)(2), and (e)(1)(ii), by redesignating paragraphs (e)(1)(iii) and (e)(1)(iv) as paragraph (e)(1)(iv) and (e)(1)(v) respectively, and by adding new paragraph (e)(1)(iii) to read as follows:

§ 5.45 Imports and exports.

* * * * *

(b) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH); the Director and Deputy Director, Office of Compliance and Surveillance, CDRH; Regional Food and Drug Directors; District Directors; and the Director, St. Louis Branch, are authorized, under section 360 of the Public Health Service Act (PHSA), to perform the following functions or to designate officials to:

* * * * *

(4) Refuse or grant permission and time extensions to bring noncomplying products into compliance with the PHSA in accordance with a corrective action plan approved by the Director, Office of Compliance and Surveillance, CDRH.

(c) * * *

(2) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

(e) * * *

(1) * * *

(ii) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

(iii) The Director, Division of Compliance Operations, Office of Compliance and Surveillance, CDRH.

* * * * *

6. Section 5.46 is revised to read as follows:

§ 5.46 Manufacturer's resident import agents.

The Director and Deputy Director, Center for Devices and Radiological Health (CDRH) and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, are authorized to reject manufacturer's designations of import agents under § 1005.25(b) of this chapter.

7. Section 5.47 is amended by revising paragraph (a)(2) to read as follows:

§ 5.47 Detention of adulterated or misbranded medical devices.

* * * * *

(a) * * *

(2) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

8. Section 5.59 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 5.59 Approval, disapproval, or withdrawal of approval of applications for investigational device exemptions.

(a) * * *

(1) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), the Director, Deputy Director, and Associate Director, Office of Device Evaluation, CDRH, and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

(b) For medical devices assigned to their respective divisions, the Division Directors, Office of Device Evaluation, CDRH, are authorized to approve, disapprove, or withdraw approval of applications for investigational device exemptions submitted under section 520(g) of the act.

9. Section 5.86 is amended by revising paragraph (b) to read as follows:

§ 5.86 Variances from performance standards for electronic products.

* * * * *

(b) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

10. Section 5.87 is amended by revising paragraph (b) to read as follows:

§ 5.87 Exemption of electronic products from performance standards and prohibited acts.

* * * * *

(b) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH.

* * * * *

11. Section 5.88 is revised to read as follows:

§ 5.88 Testing programs and methods of certification and identification for electronic products.

The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, are authorized to review and evaluate industry testing programs under section 358(g) of the Public Health Service Act (the act), and to approve or disapprove alternate methods of certification and identification and to disapprove testing programs upon which certification is based under section 358(h) of the act.

12. Section 5.89 is amended by revising the introductory text of both paragraphs (a) and (b) to read as follows:

§ 5.89 Notification of defects in, and repair or replacement of, electronic products.

(a) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), and the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, are authorized to perform all functions of the Commissioner of Food and Drugs, relating to notification of defects in, noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act (the act) and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, are authorized to perform all such functions relating to:

* * * * *

(b) The Director and Deputy Director, Office of Compliance and Surveillance, CDRH, and the Director, Division of Standards Enforcement, Office of Compliance and Surveillance, CDRH, are authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the act and under § 1003.11(a) of this chapter; and the chiefs of District Compliance Branches are authorized to perform all such functions relating to:

* * * * *

13. Section 5.91 is revised to read as follows:

§ 5.91 Dealer and distributor direction to provide data to manufacturers of electronic products.

The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), the Director and Deputy Director, Office of Compliance and Surveillance, CDRH, and the Director, Division of Standards Enforcement, Office of Compliance and Surveillance, CDRH, are authorized to direct dealers and distributors of electronic products to furnish information on first purchasers of such products to the manufacturer of the product under section 360A(f) of the Public Health Service Act.

Dated: November 2, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–26530 Filed 11–8–90; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 89F–0481]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of polyisobutylene and isobutylene/isoprene copolymers as components of food-contact materials sterilized with a hydrogen peroxide solution. This action responds to a petition filed by Exxon Chemical Co.

DATES: Effective November 9, 1990; written objections and requests for a hearing by December 10, 1990.

ADDRESSES: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF–335), 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 6, 1989 (54 FR 50436), FDA announced that a petition (FAP 9B4176) had been filed by Exxon Chemical Co., P.O. Box 45, Linden, NJ 07036, proposing that § 178.1005 *Hydrogen peroxide solution* (21 CFR 178.1005) be amended to provide for the safe use of polyisobutylene and isobutylene/isoprene copolymers as components of food-contact materials sterilized with a hydrogen peroxide solution.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe and that the regulations should be amended in § 178.1005(e)(1) in the table by alphabetically adding a new entry as set forth below.

In accordance with § 171.1(h) CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this section. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before December 10, 1990 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.