the stem attached; that the fruit be packed in an approved packing facility maintained free of Trifly; and that the fruit be packed in Trifly-proof containers within 24 hours of the time the fruit is picked. The underlying basis for these conditions in the Sharwil avocado regulations is research performed by the Agricultural Research Service (ARS) from 1985–1987 [2], indicating that unblemished avocados on the tree are not subject to infestation by fruit flies.

On February 26, 1992, APHIS suspended certification of Sharwil avocados for shipment to the mainland United States. This action followed the discovery on February 25, 1992, of fruit fly larvae in an unblemished avocado picked by an APHIS inspector from a tree in an orchard that shipped Sharwil avocados to the mainland United States. This discovery called into question the reliability of the regulatory requirements for certifying Sharwil avocados.

In response to this discovery, ARS has recently completed a study which found additional fruit fly larvae and pupae in Sharwil avocados which met the regulatory requirements for interstate movement. Between March 2 and March 10, 1992, 1,104 Sharwil avocados were picked from trees from several APHIS-certified groves located in the vicinity of Kona, Hawaii. Upon examination, 7 of these fruit were found to be infested. Two of the infested fruit, containing a total of 22 Oriental fruit fly larvae and pupae, met all requirements of the regulations for interstate movement. These data indicate that a significant fruit fly infestation of avocado exists in the Kona area, and that the infestation affects at least some Sharwil avocados that could be shipped interstate under the regulatory requirements effective prior to the suspension implemented on February 26, 1992.

In view of this evidence that the regulatory restrictions are not adequate to protect against the possibility that Sharwil avocados moved interstate could spread Trifly, we are removing the regulations in §§ 318.13–4(c) and 318.13–4h that allow certification of untreated Sharwil avocados for interstate shipment. APHIS and ARS have already begun studies to determine what conditions allowed fruit flies to infest fruit that the earlier research indicated would not be subject to infestation. If these studies reveal ways the regulations could be changed to safely allow shipment of Sharwil avocados to resume, we may publish a proposal describing a new set of requirements for certifying Sharwil avocados for interstate shipment.

[2] Summaries of the research are available from the person identified in the "**FOR FURTHER INFORMATION CONTACT:**" section of this document.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this interim rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This interim rule removes the regulations that allowed untreated Sharwil avocados to be certified for interstate shipment from Hawaii.

The Hawaiian Sharwil avocado industry is small. The certification program for Sharwil avocados is in its second season. This season, over 17,000 pounds have been shipped by 3 packinghouses and 20 growers. Most shipments have been for the California and Colorado markets.

In contrast, the total annual United States avocado production is approximately 273,000 tons. Interstate shipments of Hawaiian Sharwil avocados account for less than one hundredth of one percent of the total annual United States avocado production.

Most of the persons growing Sharwil avocados are small business entities. Removing the Sharwil regulations is expected to have a negative impact on the Hawaiian Sharwil industry, since all but Hawaii is removed as a market for Sharwil avocados. The approximately 20 Sharwil producers in Hawaii are small entities, but are not considered to be a substantial number of small entities, as compared to approximately 200 Hawaiian small entities producing all varieties of avocados and thousands of small entities in Hawaii in other agricultural production operations. In addition, these approximately 20 Sharwil producers should be able to sell the avocados to markets for Hawaiian consumption or foreign export. Such sales would probably generate smaller profits for the producers than interstate sales.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR, part 3015, subpart V).

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under this interim rule:

(1) all State and local laws and regulations that are inconsistent with this interim rule will be preempted;

(2) no retroactive effect will be given to this interim rule; and

(3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 318

Avocados, Cotton, Cottonseeds, Fruits, Guam, Hawaii, Plant diseases and pests, Puerto Rico, Quarantine, Transportation, Vegetables, Virgin Islands.

Accordingly, 7 CFR part 318 is amended as follows:

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

1. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, 167; 7 CFR 2.17, 2.51 and 371.2(c).

§ 318.13–4 [Amended]

2. Paragraph (c) of § 318.13–4 is removed; paragraphs (d) and (e) are redesignated as paragraphs (c) and (d); and in newly redesignated paragraph (d), the phrase "or (c)" is removed.

§ 318.13–4g [Removed and reserved]

3. Section 318.13–4g is removed and reserved.

Done in Washington, DC, this 9 day of July, 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–16571 Filed 7–14–92; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 1093

[DA-92-15]

Milk in the Alabama-West Florida Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action relaxes the limits on diversion of milk by proprietary handlers for an indefinite period beginning May 1, 1992, in the Alabama-West Florida milk order. The suspension increases the amount of fluid milk that may be shipped directly from farms to nonpool plants and still be priced under the order. The suspension was requested by Barber Pure Milk Company (Barber), a proprietary handler who has consolidated its Class I operations in separate plants from its Class II operations. The Class II plants are now nonpool plants. The suspension is necessary because of these changes in marketing conditions and to permit the efficient marketing of milk of dairy farmers who have historically supplied the market.

EFFECTIVE DATE: May 1, 1992.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-6274.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued April 30, 1992; published May 7, 1992; (57 FR 19554).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under the criteria contained therein.

This suspension has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. This action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Alabama-West Florida marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on May 7, 1992 (57 FR 19554) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. Two comments in support were received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that beginning May 1, 1992 for an indefinite period, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1093.13, paragraphs (c) (1), (2), and (4).

Statement of Consideration

This action relaxes the limits on diversion of milk by proprietary handlers under the Alabama-West Florida order beginning May 1, 1992 for an indefinite period. The suspension allows more milk to be shipped directly from farms to nonpool plants and still be priced under the order.

The order provides that a proprietary handler may divert to nonpool plants all but four days' production of a producer during the months of February through August and all but ten days' production during the months of September through January. Diversions are further limited to 30 percent of the milk that is physically received at a pool plant.

The suspension increases the diversion allowance to a volume equal to the volume of producer milk actually received at the handler's pool plants and disposed of as route disposition from the handlers' pool plants during the month. This action makes the diversion limits more compatible with the order requirement that a distributing plant's route disposition, for pooling purposes, must not be less than 50 percent of the milk physically received at the plant or diverted from the plant.

Barber has requested that the order be amended to allow for "unit pooling" of Class I and Class II plants. Unit pooling would allow a handler to combine the receipts and dispositions of milk and milk products at its plants for pool plant qualification purposes. Pending such amendment proceeding, Barber requests this suspension.

Barber has consolidated its Class I operations at two of its four plants and has consolidated its Class II operations at the other two plants. Under the current diversion limits Barber is having difficulty pooling all of the milk that historically has been associated with its four plants in the Alabama-West Florida market. The suspension at this time, will eliminate the need for Barber to engage in costly and inefficient transportation and handling of milk (pumping milk into and out of pool plants) in order to keep its milk supplies pooled on the order.

Two comments in support (a cooperative association and a proprietary handler) were received. Both organizations stated that without the suspension they would have to engage in uneconomic movements of milk in order to pool milk supplies historically associated with this market.

Accordingly, it is appropriate to suspend the aforesaid provisions.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that this action should obviate the need to inefficiently unload and reload milk at pool plants in order to keep it priced under the order.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. Two comments in support were received.

Therefore, good cause exists for making this order effective less than 30 days from date of publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1093

Milk marketing orders.

It is therefore ordered, That the following provisions of the order (7 CFR part 1093) are hereby suspended beginning May 1, 1992 for an indefinite period.

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

1. The authority citation for 7 CFR Part 1093 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1093.13 [Suspended in Part]

2. In § 1093.13, paragraphs (c) (1), (2), and (4) are suspended from May 1, 1992, for an indefinite period.

Dated: July 8, 1992.

John E. Frydenlund,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92–16632 filed 7–14–92; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 799

[Docket No. 910249–2157]

Revisions to the Commerce Control List: Equipment Related to the Production of Chemical and Biological Weapons; Biological Agents

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule.

SUMMARY: The Bureau of Export Administration maintains the Commerce Control List (CCL) which appears in the Export Administration Regulations (EAR). This rule amends the CCL by revising Export Control Classification Numbers (ECCNs) 1B70E, 1C61B, 1E60C, and 1E61B. These ECCNs control dual-use items that can be used in the production of chemical and biological weapons (CBW). The changes made by this rule are intended to conform the list of CBW related items controlled by the United States to the agreed lists of items adopted by countries participating in the Australia Group.

DATES: This interim rule is effective July 15, 1992. Comments must be received by August 14, 1992.

ADDRESSES: Written comments (six copies) should be sent to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: For questions on foreign policy controls, call Toni Jackson, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone (202) 377–4531.

For questions of a technical nature on chemical weapon precursors, biological agents, and equipment that can be used to produce chemical and biological weapons agents, call James Seevaratnam, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377–4777.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1991, the Bureau of Export Administration (BXA) published in the **Federal Register** (56 FR 10760) an interim rule that imposed an individual validated licensing requirement on exports of certain dual-use equipment that can be used to produce:

(a) Chemicals or biological agents controlled by ECCNs 1C60C and 1C61B (formerly ECCNs 4798B, 4997B, or 4998B) on the CCL, or

(b) Chemical or biological warfare agents controlled on the U.S. Munitions List under the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130). Effective with the publication of that rule, such dual-use equipment required an individual validated license for export or reexport to Country Groups S and Z and to the regions and countries listed in Supplement No. 5 to part 778. The March 13, 1991, interim rule addressed some of the measures called for in President Bush's December 13, 1990, decision on the Enhanced Proliferation Control Initiative (EPCI) and included in Executive Order 12735 of November 16, 1990, on Chemical and Biological Weapons Proliferation.

BXA received more than seventy-five comments on the March 13, 1991, interim rule and two other EPCI rules that were published on the same date. The vast majority of those who commented on the new ECCNs added by the March 13, 1991, interim rule felt that the technical parameters describing the commodities controlled by these ECCNs were too broad and caught a large number of commodities that had broad commercial applications (e.g., food processing, water treatment) and that were not essential for the production of chemical and biological weapons.

Many commenters criticized the fact that all three EPCI rules contained unilateral export controls. They felt that the costs and delays of the licensing process would hurt the competitiveness of U.S. companies vis-á-vis foreign producers and that the unilateral controls would prove ineffective due to the widespread foreign availability of the controlled items. These commenters argued that foreign availability makes the imposition of multilateral controls the only realistic approach.

The Department is sensitive to the arguments against unilateral controls and has been working in cooperation with participating governments in the Australia Group to establish multilateral controls on CBW related equipment and materials similar to those identified for control in the March 13, 1991, interim rule. The twenty-two member Australia Group, in which the United States participates, seeks to prevent the proliferation of chemical and biological weapons.

At the May, 1991, meeting of the Australia Group, the delegates agreed, subject to approval by their governments, to establish a common control list, similar to the U.S. list, for exports of dual-use chemical manufacturing equipment and related technology data. On September 30, 1991, BXA published a rule in the **Federal Register** (56 FR 49441) that proposed to revise the U.S. chemical equipment list to conform to the chemical equipment list being considered for adoption by countries participating in the Australia Group. This rule requested comments on the proposed revisions to the U.S. list and on the trade impact of these changes for exports to regions and countries listed in Supplement No. 5 to part 778.

BXA received sixteen comments on the September 30, 1991, proposed rule. While the majority of commenters supported the adoption of a chemical equipment list by the Australia Group, a number of commenters were critical of the fact that several major producers of chemical equipment, located in countries not included in the Australia Group, would not be subject to comparable controls on their chemical equipment exports.

Other commenters were critical of the September 30, 1991, proposed rule because they felt it would continue to control too broad a range of chemical equipment (i.e., equipment having a wide range of commercial applications). A number of commenters recommended that the list of countries requiring a validated license for chemical equipment be reduced to cover only those which seek to develop chemical and/or biological weapons capability or which present a threat to regional stability.

At the December, 1991, meeting of the Australia Group, the delegates made certain technical revisions in Australia Group's chemical equipment list and agreed to its adoption, subject to approval by their governments. Many of these revisions resulted from proposals made by the United States based on public comments. The changes agreed upon at the December, 1991, meeting have been approved by the member governments and are contained in this interim rule. Many of these changes refine the scope of the technical parameters describing chemical equipment that is controlled for export. For example, this interim rule revises ECCN 1B70E, which controls equipment that can be used in the production of chemical weapons precursors or chemical warfare agents, to except from control certain chemical equipment that is specially designed for use in civil applications, e.g., scrap surface heat exchangers used in the food processing industry.

This interim rule also revises the list of microorganisms described in ECCN 1C61B to conform with the list of organisms considered for adoption by the delegates at the December, 1991, Australia Group meeting. This marks the first time the Australia Group agreed in principle to establish export controls on biological items. Since February of 1989, the Commerce Department has maintained foreign policy controls on biological organisms useful in weapons development. For controlled organisms, an individual validated license is required for all destinations except Canada.

Specifically, this interim rule revises ECCNs 1B70E, 1C61B, 1E60C, and 1E61B as follows:

ECCN 1B70E

The most significant change in ECCN 1B70E is the addition of a Note stating that, except for toxic gas monitoring systems described in 1B70.f, the controls in 1B70E do *not* apply to equipment that is: (i) Specially designed for use in civil applications (e.g., food processing, pulp and paper processing, or water purification) and (ii) inappropriate, by the nature of its design, for use in storing, processing, producing or conducting and controlling the flow of chemical warfare agents controlled on the U.S. Munitions List or the chemical weapons precursors controlled by 1C60C.

Specific changes in the items controlled by 1B70E include the following:

(1) 1B70.a is revised by raising the control thresholds for reactor vessels and storage tanks and containers. Reactor vessels were previously controlled if they had a capacity greater than 5 liters, but now are controlled only if they have a total volume greater than 0.1 m^3 (100 liters) and less than 15 m^3 (15,000 liters). Storage tanks and containers were controlled if they had a capacity greater than 10 liters, but now are controlled only if they have a total volume greater than 0.1 m^3 (100 liters). In addition, distillation columns, which were previously controlled if they had a capacity greater than 2 liters per hour are now controlled only if they have a diameter greater than 0.1 m. Finally, 1B70.a now controls, not only equipment having flow contact surfaces made of nickel or alloys having more than 40% nickel by weight, but also equipment having flow contact surfaces that are made of any of the following: alloys with more than 25% nickel and 20% chromium by weight, glass, or graphite (for heat exchangers only).

(2) 1B70.b is revised to control remotely operated filling equipment with flow contact surfaces made of nickel, alloys having more than 40% nickel by weight, or alloys having more than 25% nickel and 20% chromium by weight. Previously, filling equipment was described in 1B70.d, which controlled equipment enclosed in an environmental barrier, or incorporating a nickel-lined or Hastelloy nozzle.

(3) 1B70.c is revised to control bellows valves, diaphragm valves, double seal valves, and multi-walled piping that incorporate leak detection ports and have flow contact surfaces made of any of the following: nickel, alloys with more than 40% nickel by weight, alloys with more than 25% nickel and 20% chromium by weight, or fluoropolymers (e.g., PTFE, PVDF, PFA). Previously, valves were described in 1B70.b, which controlled any valves designed to be vapor leak proof.

(4) 1B70.d is revised to control double-seal, canned drive, magnetic drive, bellows, or diaphragm pumps that have flow contact surfaces made of any of the following: nickel, alloys with more than 40% nickel by weight, alloys with more than 25% nickel and 20% chromium by weight, fluoropolymers (e.g., PTFE, PVDF, PFA), or tantalum. Previously, pumps were described in 1B70.b, which controlled any pumps designed to be vapor leak proof.

(5) 1B70.e is revised to control incinerators that have special handling facilities with an average combustion chamber temperature greater than 1000 °C and flow contact surfaces made from or lined with any of the following: nickel, alloys with more than 40% nickel by weight; alloys with more than 25% nickel and 20% chromium by weight; or ceramics. Previously, the control language in 1B70.e was less specific, referring only to specially designed incinerators for chemical weapons precursors, chemical warfare agents, or organophosphorus compounds.

(6) 1B70.f is revised to control toxic gas monitoring systems capable of: (i) Continuous operation; and (ii) detecting chemical warfare agents, or chemical weapons precursors; or (iii) detecting phosphorus, sulphur, fluorine, chlorine, and their compounds at a concentration less than 0.3 milligrams per cubic meter of air. Previously, the control level was a concentration of less than 0.1 milligrams per cubic meter of air. Toxic gas monitoring systems capable of detecting chemical compounds having an anticholinesterase function are also now controlled by 1B70.f. These systems were previously controlled by 1B70.g.

ECCN 1C61B

1C61B is totally revised to provide a positive list of viruses, rickettsiae, bacteria, genetically modified organisms, and toxins that are subject to control. Previously, 1C61B controlled all viruses and viroids not listed in Interpretation No. 25 of Supplement No. 1 to § 799.2 and all bacteria, fungi, and protozoa not listed in Interpretation No. 26 of Supplement No. 1 to § 799.2. As a result of the revisions to 1C61B, Interpretations 24 through 26 are removed from Supplement No. 1 to § 799.2.

ECCN 1E60C

This entry is revised to control technology for the disposal (as well as the production) of chemical precursors described in 1C60C. 1E60C continues to control technology for facilities designed or intended to produce chemicals described in 1C60C.

ECCN 1E61B

This entry is revised to control technology for the disposal (as well as the production) of microbiological commodities described in 1C61B.

Rulemaking Requirements

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694–0005, 0694–0010, and 0694–0067.

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

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. 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 foreign and military affairs function of the United States. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in the development of final regulations. Accordingly, the Department encourges interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close August 14, 1992. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, room 4525, 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) 377–5653.

List of Subjects in 15 CFR Part 799

Exports, Reporting and recordkeeping requirements.

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

1. The authority citation for 15 CFR part 799 continues to read as follows:

Authority: Pub. L. 90–351, 82 Stat. 197 (18 U.S.C. 2510 et seq.), as amended; sec. 101, Pub. L. 93–153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94–163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Pub. L. 94–258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95–372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; sec. 125, Pub. L. 99–64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978; E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990), as continued by Notice of September 26, 1991 (56 FR 49385, September 27, 1991); and E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 14, 1991 (56 FR 58171, November 15, 1991).

PART 799—[AMENDED]

Supplement No. 1 to § 799.1 [Amended]

2. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 1 (Materials), ECCN 1B70E is revised to read as follows:

1B70E Equipment that can be used in the production of chemical weapons precursors and chemical warfare agents.

Requirements

Validated License Required: SZ, Supp. 5 to Part 778 of this subchapter.
Unit: Number.
Reason for Control: CB.
GLV: $0.
GCT: No.
GFW: No.

List of Items Controlled

Note: The controls in 1B70.a to 1B70.e do not apply to equipment that is:

a. Specially designed for use in civil applications (e.g., food processing, pulp and paper processing, or water purification); and

b. Inappropriate, by the nature of its design, for use in storing, processing, producing or conducting and controlling the flow of chemical warfare agents controlled on the U.S. Munitions List or the chemical weapons precursors controlled by 1C60C.

a. Chemical processing equipment described in paragraph a.1 having any of the flow contact surfaces described in paragraph a.2:

a.1. Chemical processing equipment, as follows:

a.1.a. Reactor vessels, with or without agitators, having a total volume greater than 0.1 m^3 (100 l) and less than 15 m^3 (15,000 l);

a.1.b. Storage tanks and containers, with a total volume greater than 0.1 m^3 (100 l);

a.1.c. Heat exchangers;

a.1.d. Distillation columns, including packed columns, having a diameter greater than 0.1 m;

a.1.e. Condensers; or

a.1.f. Degassing equipment;

a.2. Where all surfaces that come into direct contact with the chemical(s) being processed or contained are made from any of the following materials:

a.2.a. Nickel, or alloys with more than 40% nickel by weight;

a.2.b. Alloys with more than 25% nickel and 20% chromium by weight;

a.2.c. Glass; or

a.2.d. Graphite (for heat exchangers only).

b. Remotely operated filling equipment in which all surfaces that come into direct contact with the fluid are made from any of the following materials:

b.1. Nickel, or allows with more than 40% nickel by weight; or
b.2. Alloys with more than 25% nickel and 20% chromium by weight.

c. Bellows valves, diaphragm valves, double seal valves, and multi-walled piping:
c.1. Incorporating a leak detection port; and
c.2. In which all surfaces that come into direct contact with the fluids are made from any of the following materials:
c.2.a. Nickel, or alloys with more than 40% nickel by weight;
c.2.b. Alloys with more than 26% nickel and 20% chromium by weight; or
c.2.c. Fluoropolymers, including PTFE, PVDF, PFA.

d. Double-seal, canned drive, magnetic drive, bellows or diaphragm pumps in which all surfaces that come into direct contact with the fluid are made from any of the following materials:
d.1 Nickel, or alloys with more than 40% nickel by weight;
d.2 Alloys with more than 25% nickel and 20% chromium by weight;
d.3 Fluoropolymers, including PTFE, PVDF, PFA; or
d.4 Tantalum.

e. Incinerators that are designed to destroy chemical warfare agents controlled on the U.S. Munitions List, or chemical weapons precursors controlled by ECCN 1C60, and that have special handling facilities with an average combustion chamber temperature greater than 1000 °C in which all surfaces in the waste supply system that come into direct contact with the waste products are made from or lined with any of the following materials:
e.1. Nickel, or alloys with more than 40% nickel by weight;
e.2. Alloys with more than 25% nickel and 20% chromium by weight; or
e.3. Ceramics.

f. Toxic gas monitoring systems:
f.1. Capable of:
f.1.a. Detecting chemical warfare agents controlled on the U.S. Munitions List or chemical weapons precursors controlled by ECCN 1C60, or detecting phosphorus, sulphur, fluorine, chlorine, and their compounds, at a concentration less than 0.3 milligrams per cubic meter of air; and
f.1.b. Continuous operation; or
f.2. Capable of detecting chemical compounds having an anticholinesterase function.

3. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 1 (Materials), ECCN 1C61B is revised to read as follows:

1C61B Microorganisms and toxins.

Requirements

Validated License Required: QSTVWYZ.
Unit: $ value.
Reason for Control: CB.
GLV: $ 0.
GCT: No.
GFW: No.

Note: Genetically modified organisms containing polynucleotide sequences described in this entry are controlled.

List of Items Controlled

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. Junin virus;
a.8. Lassa fever virus;
a.9. Lymphocytic choriomeningitis virus;
a.10. Machupo virus;
a.11. Marburg virus;
a.12. Monkey pox virus;
a.13. Rift Valley fever virus;
a.14. Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus);
a.15. Variola virus;
a.16. Venezuelan equine encephalitis virus;
a.17. Western equine encephalitis virus;
a.18. White pox;
a.19. Yellow fever virus; or
a.20. Japanese encephalitis virus.

b. Rickettsiae, as follows:
b.1. Coxiella burnetii;
b.2. Rickettsia quintana;
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. Chlamydia psittaci;
c.6. Clostridium botulinum;
c.7. Francisella tularensis;
c.8. Pseudomonas mallei;
c.9. Pseudomonas pseudomallei;
c.10. Salmonella typhi;
c.11. Shigella dysenteriae;
c.12. Vibrio cholerae; or
c.13. Yersinia pestis.

d. Genetically modified micro-organisms, as follows:
d.1. Genetically modified micro-organisms that contain DNA sequences associated with pathogenicity arising from aetiological agents, toxins, and source organisms identified in the CCL; or
d.2. Micro-organisms genetically modified to produce any of the toxins listed in paragraph e. of this ECCN.

e. Toxins, as follows:
e.1. Botulinum toxins;
e.2. Clostridium perfringens toxins;
e.3. Conotoxin;
e.4. Ricin;
e.5. Saxitoxin;
e.6. Shiga toxin;
e.7. Staphylococcus aureus toxins;
e.8. Tetrodotoxin;
e.9. Verotoxin; or
e.10. Microcystin (cyanogenosin).

4. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 1 (Materials), ECCN 1E60C is amended by revising the ECCN heading to read as follows:

1E60C Technology for the production and/or disposal of chemical precursors described in ECCN 1C60, and technology as described in the list below for facilities designed or intended to produce chemicals described in ECCN 1C60.

5. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 1 (Materials), ECCN 1E61B is amended by revising the ECCN heading to read as follows:

1E61B Technology for the production and/or disposal of microbiological commodities described in ECCN 1C61.

Supplement No. 1 to § 779.2 [Amended]

6. In Supplement No. 1 to § 779.2 (Interpretations), interpretations Nos. 24, 25, and 26 are removed.

Dated: July 7, 1992.

James M. LeMunyon,

Acting Assistant Secretary for Export Administration.

[FR Doc. 92-16192 Filed 7-14-92; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 89F-0315]

Indirect Food Additives: Paper and Paperboard Components

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 1,2-dibromo-2,4-dicyanobutane as a preservative in defoaming agents used in the

manufacture of paper and paperboard intended to contact food. This action responds to a petition filed by Calgon Corp.

DATES: Effective July 15, 1992; written objections and requests for a hearing by August 14, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard H. White, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 14, 1989 (54 FR 33295), FDA announced that a food additive petition (FAP 9B4150) had been filed by Calgon Corp., Calgon Center, P.O. Box 1346, Pittsburgh, PA 15230. The petition proposed to amend § 176.210 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 176.210) to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane as a preservative in defoaming agents used in the manufacture of paper and paperboard intended to contact food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe and that § 176.210(d)(3) should be amended as set forth below.

In accordance with § 171.1(h) (21 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 action. 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 August 14, 1992 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.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 376).

2. Section 176.210 is amended in paragraph (d)(3) by alphabetically adding a new entry to read as follows:

§ 176.210 Defoaming agents used in the manufacture of paper and paperboard.

* * * * *

(d) * * *

(3) Miscellaneous:

* * * * *

1,2-Dibromo-2,4-dicyanobutane (CAS Reg. No. 35691-65-7), for use as a preservative at a level not to exceed 0.05 weight-percent of the defoaming agent.

* * * * *

Dated: July 7, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-16539 Filed 7-14-92; 8:45 am]

BILLING CODE 4160-01-F

---

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Change of Sponsor Name

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name for a new animal drug application (NADA) from Intervet America, Inc., to Intervet, Inc.

EFFECTIVE DATE: July 15, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8646.

SUPPLEMENTARY INFORMATION: Intervet, Inc., P.O. Box 318, 405 State St., Millsboro, DE 19966, has informed FDA of a change of sponsor name from Intervet America, Inc., to Intervet, Inc. Accordingly, FDA is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor name.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) in the entry for "Intervet America, Inc." and in the table in paragraph (c)(2) in the entry for "057926" by removing "Intervet