

(1) Remove the elevators and rudder in accordance with Parts 2.A.1. and 2.B.1., respectively, of the Accomplishment Instructions of General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993; perform a detailed visual inspection of the elevator and rudder hinge pins and bushings to detect wear in accordance with the procedures described in Part 2.B. of the Accomplishment Instructions of General Dynamics, Convair Division, Service Bulletin 600 (240D) 55-4, dated September 21, 1990; and perform a detailed visual inspection of the elevator and rudder bearing plate assemblies to detect cracks and of the elevator and rudder bearings to detect chattering, looseness, dryness, or binding in accordance with Parts 2.A. and 2.B. of the Accomplishment Instructions of General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993.

(i) If any pin or bushing is worn, prior to further flight, replace the worn pin or bushing with a serviceable pin or bushing in accordance with the procedures described in Part 2.B. of the Accomplishment Instructions of General Dynamics, Convair Division, Service Bulletin 600 (240D) 55-4, dated September 21, 1990.

(ii) If any cracked bearing plate assembly is found, prior to further flight, replace the cracked bearing plate assembly with a serviceable bearing plate assembly in accordance with Part 2.A. or 2.B. of the Accomplishment Instructions of General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993.

(iii) If any chattering, loose, dry, or seized bearing is found, prior to further flight, replace the discrepant bearing with a serviceable bearing in accordance with Part 2.A. or 2.B. of the Accomplishment Instructions of General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993.

(2) Perform a hardness test to determine the equivalent strength of the elevator and rudder hinge pins and bushings in accordance with normal maintenance procedures. If the equivalent strength of any pin or bushing (pin assembly 240-2010908-1) does not meet the type design strength specified in the following table, prior to further flight, replace the discrepant pin or bushing with a serviceable pin or bushing in accordance with Part 2.A. or 2.B. of the Accomplishment Instructions of General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993.

Part	Part no.	Type design strength
Pin	GD/Convair 240-2010904.	170-195 ksi
Bushing	GD/Convair 240- 2010903-7.	120-145 ksi

Elevator and rudder hinge pins and bushings received directly from Convair that bear the Convair mark are excluded from the

requirements of this paragraph. The Convair mark is an etched mark, which appears as follows:

CV
SD

The Convair mark is located on the top of the hinge pin and on the top of the bushing.

(3) Reinstall the elevator and rudder, and ensure that proper mating of the pin and bushing tapered surfaces exists in accordance with Parts 2.A.5. and 2.B.5. of the Accomplishment Instructions of General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993.

(b) Repeat the requirements of paragraphs (a)(1) and (a)(3) of this AD at intervals not to exceed 2,000 hours time-in-service or 2 years, whichever occurs first.

(c) Within 48 hours after accomplishing the requirements of this AD, report inspection results, positive or negative, to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; fax (310) 988-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(d) As of the effective date of this AD, no person shall install an elevator or rudder hinge pin or bushing on any airplane unless, prior to installation, the pin or bushing has been tested for hardness and meets the specified type design strength in accordance with paragraph (a)(2) of this AD, or unless the pin or bushing bears the Convair mark described in that paragraph.

(e) 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.

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

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The actions shall be done in accordance with General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993, and General Dynamics, Convair Division, Service Bulletin 600 (240D) 55-4, dated September 21, 1990. The incorporation by reference of General Dynamics, Convair Division, Alert Service Bulletin 600 (240D) S. B. No. A55-5, dated March 22, 1993, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. The incorporation by reference of General Dynamics, Convair Division, Service Bulletin 600 (240D) 55-4, dated September 21, 1990,

was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51, as of July 25, 1991 (56 FR 26608, June 10, 1991). Copies may be obtained from General Dynamics, Convair Division, P.O. Box 85377, San Diego, California 92186-5377. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on November 26, 1993.

Issued in Renton, Washington, on October 15, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26245 Filed 10-25-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-61-AD; Amendment 39-8718; AD 92-19-09 R1]

Airworthiness Directives; Short Brothers, PLC, Model SD-3-30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to all Short Brothers Model SD-3-30 series airplanes, that currently requires inspection and modification of various structural and system components, and replacement of damaged, worn, or corroded parts. That action was prompted by reports of fatigue cracking, corrosion, and/or wear in these structural and system components. The actions specified by that AD are intended to prevent reduced structural capability of the wing. This amendment lengthens the intervals between inspections following repair of the rear or forward bay.

DATES: Effective November 26, 1993.

The incorporation by reference of Shorts Service Bulletin SD-3-57-10, Revision 2, dated January 4, 1993, as listed in the regulations, is approved by the Director of the Federal Register as of November 26, 1993.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of November 17, 1992 (57 FR 46772, October 13, 1992).

ADDRESSES: The service information referenced in this AD may be obtained

from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202-3719. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 92-19-09, Amendment 39-8367 (57 FR 46772, October 13, 1992), which is applicable to all Short Brothers Model SD-3-30 series airplanes, was published in the *Federal Register* on June 18, 1993 (58 FR 33576). That action proposed to revise paragraph (e)(2) of the existing rule to lengthen the intervals between inspections following repair of the rear or forward bay from the previously required 4,800 hours time-in-service to 9,600 hours time-in-service.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

This final rule is being issued as a revision to the existing rule, rather than a superseding of it.

The FAA estimates that 22 airplanes of U.S. registry will be affected by this AD. The currently required actions require approximately 180 work hours per airplane to accomplish, at an average labor rate of \$55 per work hour. Required parts cost approximately \$3,000 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$283,800, or \$12,900 per airplane. This new AD action adds no new costs to affected operators. In fact, it reduces the economic burden for some operators, since certain inspections will not have to be conducted as often as was required previously.

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 6, 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 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8367 (57 FR 46772, October 13, 1992), and by adding a new airworthiness directive (AD), amendment 39-8716, to read as follows:

92-19-09 R1 Short Brothers, PLC:
Amendment 39-8716. Docket 93-NM-61-AD. Revises AD 92-19-09, Amendment 39-8367, which superseded AD 84-07-06 R1, Amendment 39-6036.

Applicability: All Model SD-3-30 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note 1: Paragraphs (a), (b), (c), and (f) of this AD restate the requirements of those paragraphs as they appeared in AD 92-19-09, Amendment 39-8367; the requirements of those paragraphs entail specific one-time actions. As allowed by the phrase, "unless accomplished previously," if the requirements of those paragraphs have been accomplished previously, this AD does not require that they be repeated.

Note 2: Paragraphs (d) and (e) of this AD restate the requirements for repetitive inspections contained in the same paragraphs of AD 92-19-09, Amendment 39-8367. The first inspection required by this AD must be performed within the specified repetitive inspection interval after the last inspection performed in accordance with paragraphs (d) and (e) of AD 92-19-09.

To prevent reduced structural capability of the wing, accomplish the following:

(a) Within 180 days after November 3, 1988 (the effective date of AD 84-07-06 R1, Amendment 39-6036), install a new closing panel in the aft baggage compartment in accordance with Shorts Service Bulletin SD3-25-30, dated January 8, 1982.

(b) Within 180 days after November 3, 1988, inspect to detect fuel leakage and seal the fuselage crown in accordance with Shorts Service Bulletins SD3-53-01, Revision 2, dated January 19, 1977; SD3-53-18, dated November 25, 1977; and SD3-53-41, dated May 21, 1980.

(c) Within 600 hours time-in-service after November 3, 1988, or prior to the accumulation of 4,800 total hours time-in-service, whichever occurs later, inspect to detect cracking and modify the wing drag links in accordance with Shorts Service Bulletin SD3-53-48, Revision 1, dated January 5, 1983. Replace damaged parts prior to further flight, in accordance with the service bulletin.

(d) Within 90 days after November 3, 1988, inspect to detect corrosion or wear in the horizontal stabilizer (tailplane)-to-fuselage fittings, pins, and bushings in accordance with Shorts Service Bulletin SD3-55-16, Revision 3, dated November 1987. For airplanes that have accumulated less than 4,800 total hours time-in-service and are less than 2 years old as of November 3, 1988, accomplishment of this inspection may be deferred until the affected airplane reaches 4,800 total hours time-in-service or 2 years of age, whichever occurs first. Replace any worn or corroded parts prior to further flight, in accordance with the service bulletin.

(1) If no pin has been replaced with a new pin, and if there is no corrosion found on any attachment fitting, repeat this inspection thereafter at intervals not to exceed 1,200 flight hours or within 6 months following the immediately preceding inspection, whichever occurs first.

(2) If all the pins on one side have been replaced with new pins, repeat the inspection on that side within the next 4,800 flight hours or 2 years following replacement of the pins, whichever occurs first. Repeat this inspection thereafter at intervals not to exceed 2,400 flight hours or 1 year following the immediately preceding inspection, whichever occurs first.

(e) For airplanes having serial numbers SH3002 through SH3090, inclusive: Within 300 hours time-in-service after November 3, 1988, or prior to the accumulation of 4,800 total hours time-in-service, whichever occurs later, inspect to detect cracked or broken rib/skin attachment cleats at left wing station 160 in accordance with Part A (Inspection) of paragraph 2.A. of the Accomplishment Instructions in Shorts Service Bulletin SD3-57-10, Revision 1, dated October 11, 1982; or

Revision 2, dated January 4, 1993. Repeat this inspection within 2,400 hours time-in-service following the immediately preceding inspection, or within 300 hours time-in-service after November 17, 1992 (the effective date of AD 92-19-09, Amendment 39-8367), whichever occurs later.

(1) If no crack is found, repeat this inspection of each bay thereafter at intervals not to exceed 2,400 hours time-in-service.

(2) If any crack is found, prior to further flight, repair in accordance with Part B (Repair—Rear Bay) and/or Part C (Repair—Forward Bay) of paragraph 2.A. of the Accomplishment Instructions in the service bulletin; and repeat the inspection of the repaired bay thereafter at intervals not to exceed 9,600 hours time-in-service.

(f) Within 180 days after November 3, 1988, modify the power control circuit in accordance with Shorts Service Bulletin SD3-76-01, dated September 8, 1981.

(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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(i) The actions shall be done in accordance with Shorts Service Bulletin SD3-25-30, dated January 8, 1982; Shorts Service Bulletin SD3-53-01, Revision 2, dated January 19, 1977; Shorts Service Bulletin SD3-53-18, dated November 25, 1977; Shorts Service Bulletin SD3-53-41, dated May 21, 1980; Shorts Service Bulletin SD3-53-48, Revision 1, dated January 5, 1983; Short Service Bulletin SD3-55-16, Revision 3, dated November 1987; Shorts Service Bulletin SD3-76-01, dated September 8, 1981; Shorts Service Bulletin SD3-57-10, Revision 1, dated October 11, 1982; and Shorts Service Bulletin SD3-57-10, Revision 2, dated January 4, 1993. Revision 2 of Shorts Service Bulletin SD3-57-10 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3-13	1	Oct. 11, 1982.
2	2	Jan. 4, 1993.

This incorporation by reference of Shorts Service Bulletin SD3-57-10, Revision 2, dated January 4, 1993, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. The incorporation by reference of the remainder of the service documents listed above was

approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51 as of November 17, 1992 (57 FR 46772, October 13, 1992). Copies may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202-3719. 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 November 26, 1993.

Issued in Renton, Washington, on October 15, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26243 Filed 10-25-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 91

[Docket No. 27318; Amendment No. 91-234]

Special Visual Flight Rules (SVFR) Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Correction.

SUMMARY: This document corrects an error to the Final Rule, on "Special Visual Flight Rules (SFVR) Operations", which was published on Tuesday, October 5, 1993 (58 FR 51966).

FOR FURTHER INFORMATION CONTACT: Melodie M. DeMarr, Air Traffic Rules Branch (ATP-230), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION: FR Doc. 93-24436, which was published on October 5, 1993, (58 FR 51966), in the Heading, Amendment 91-234, should read Amendment 91-235.

Debbie Swank,

Program Management Staff, Office of Chief Counsel.

[FR Doc. 93-26305 Filed 10-25-93; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 770, 776, 790, and 799

[Docket No. 930778-3178]

Transfer of Items From the U.S. Munitions List to the Commerce Control List and Imposition of Certain Foreign Policy Controls

AGENCY: Bureau of Export Administration, Commerce

ACTION: Interim rule, with request for comments.

SUMMARY: The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) to reflect the transfer to BXA of licensing jurisdiction for certain non-military (dual-use) equipment and technical data that are being removed from the Department of State's United States Munitions List (USML). This transfer of jurisdiction implements part of the Presidential directive of November 16, 1990, which mandated the removal from the USML of all items contained on the COCOM dual-use list (the International Industrial List) unless significant U.S. national security interests would be jeopardized. This interim rule makes the USML and the Commerce Control List (CCL) more consistent with the international lists maintained by COCOM. A few of the items being transferred to BXA are subject to new foreign policy controls to further the export control objectives of the U.S. Government. In a few list categories, ambiguities remain between the USML and the CCL, and discussions continue between Commerce and other agencies regarding their clarification and the removal of additional items from the USML to BXA licensing jurisdiction.

The items identified for additional foreign policy controls include image intensifier tubes, infrared focal plane arrays and navigation systems technology for inertial navigation systems, gyroscopes and accelerometers. The items will be subject to U.S. foreign policy controls designed to promote regional stability.

An individual validated license will be required for exports and reexports to all destinations except Canada. These items are not eligible for the special licensing procedures. All license applications will be reviewed on a case-by-case basis to determine whether the export or reexport could contribute, directly or indirectly, to a country's military capabilities in a manner that would destabilize or alter a region's military balance contrary to the foreign policy interests of the United States.

DATES: This interim rule is effective October 26, 1993.

Comments must be received by December 10, 1993.

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:

Jerald Beiter, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, Washington, DC 20230, Telephone: (202) 482-1641.

SUPPLEMENTARY INFORMATION:**Background**

The Secretary of Commerce and the Secretary of State have agreed, consistent with the Presidential directive of November 16, 1990,¹ to transfer jurisdiction of certain non-military (dual-use) commodities and technical data from the United States Munitions List (USML), § 121.1 of the Department of State's International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130), to the Commerce Control List (CCL), Supplement No. 1 to § 799.1 of the Export Administration Regulations (EAR) (15 CFR parts 730-799).

The State Department amended the USML by a regulation published on April 27, 1992 in the *Federal Register* at 57 FR 15227. The publication of this regulation by the State Department eliminated, in most cases, the problem of an item being described on both the USML and the CCL.

In the near future, BXA will provide a list of ECCNs that may overlap with the USML. BXA will offer guidance regarding the survival of terms and conditions of licenses previously issued by the State Department for items now subject to control under the CCL. Meanwhile, all terms and conditions of those licenses will remain in effect until revised.

The vast majority of the items removed from the USML thus far are described under existing controls in the EAR. However, in transferring these items to BXA jurisdiction, the Department of State identified certain articles that would be transferred upon imposition of foreign policy controls. The report establishing these controls was submitted to the Congress on May 6, 1992. Certain portions of seven ECCNs on the Commerce Control List are being made subject to the expanded foreign policy controls implemented by this regulation. The removal of these items from the USML is effective with the publication of this rule.

In accordance with section 6 of the Export Administration Act, as amended (EAA), these newly transferred items will be subject to foreign policy controls

to promote regional stability as described in § 776.16 of the EAR.

The newly transferred items made subject to these expanded regional stability controls, with their corresponding Export Control Classification Numbers (ECCNs), are as follows:

A. Image Intensifier Tubes

(1) Non-military (dual-use) image intensification tubes, second generation and above (ECCN 6A02);

(2) Systems or equipment containing second generation and above image intensification tubes (ECCNs 6A02 and 6A03);

(3) Technical data, including software for the development or production of the above (ECCNs 6D21, 6E01, and 6E02).

B. Infrared Focal Plane Arrays

(1) Non-military (dual-use) infrared focal plane arrays (ECCN 6A02);

(2) Systems or equipment containing infrared focal plane arrays (ECCNs 6A02 and 6A03);

(3) Technical data, including software for the development or production of the above (ECCNs 6D01, 6E01, and 6E02).

C. Navigation Systems Technologies

(1) Technical data, including software, required for the development or production of commercial inertial navigation systems, gyroscopes and accelerometers (ECCNs 7D01, 7E01, 7E02, and 7E21).

(2) Inertial navigation systems, equipment, and specially designed components therefore, and software for the development, production of inertial systems, equipment, and specially designed components therefor, for shipborne use, underwater use, ground vehicle use, spaceborne use, or uses other than "civil aircraft" continued to be controlled by the Office of Defense Trade Controls, U.S. Department of State.

As a result of this action, an individual validated license is now required for all destinations except Canada for exports and reexports of the items listed above. License applications for these items will be reviewed on a case-by-case basis to determine if the exports or reexports could contribute, directly or indirectly, to any country's military capabilities in a manner that would alter or destabilize a region's military balance contrary to the foreign policy interests of the United States.

Section 776.16 notifies applicants, in accordance with § 770.14(c)(1)(iii), that an additional 15 working days will be needed to review applications for these

items. Applications to export these items must be accompanied by full technical specifications. Applications may be submitted electronically provided technical specifications are received by the Office of Export Licensing (OEL) within 24 hours. Any such applications received without the proper technical specifications will be returned without action.

The revisions made by this rule will effectively continue export restrictions previously administered by the Office of Defense Trade Controls (DTC), U.S. Department of State. The items affected by this transfer of jurisdiction formerly required a license issued by DTC. The fact that the Bureau of Export Administration (BXA) now requires an individual validated license for exports and reexports of these items to all destinations except Canada does not impose new restrictions on exports and reexports of these items. Because of the continuity of export controls on these items, this rule contains no provision concerning the sanctity of existing contracts.

Rulemaking Requirements

1. This rule affects collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Affected OMB collections have been approved under Control Numbers 0694-0005, 0694-0007, and 0694-0010.

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

3. 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.

4. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. This rule continues in effect controls that had been imposed under the Arms Export Control Act. 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 being issued in interim form

¹ The President's memorandum of disapproval of H.R. 4653, the "Omnibus Export Amendments Act of 1990", was published in the Weekly Compilation of Presidential Documents Vol. 26, No. 46, November 19, 1990, p. 1839.

and comments will be considered in the development of final regulations. Accordingly, the Department encourages 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 December 10, 1993. 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) 482-2593.

List of Subjects

15 CFR Parts 770, 776 and 799

Exports, Reporting and recordkeeping requirements.

15 CFR Part 790

Administrative practice and procedure, Advisory committees, Exports.

Accordingly, parts 770, 776, 790, and 799 of the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

1. The authority citations for 15 CFR parts 770, 776, 790, and 799 continue to 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 7420(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 (extended by Pub. L. 103-10, 107 Stat. 40); 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 25, 1992 (56 FR 44649, September 28, 1992); E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 11, 1992 (57 FR 53979, November 13, 1992).

PART 770—[AMENDED]

2. Section 770.10 is amended by revising paragraph (a) to read as follows:

§ 770.10 Exports which are not controlled by the Bureau of Export Administration.

(a) *U.S. Munitions List.* Regulations administered by the Office of Defense Trade Controls, U.S. Department of State, Washington, D.C. 20520, govern the export of defense articles and defense services on the U.S. Munitions List (22 CFR part 121). These regulations are issued under the authority of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

* * * * *

Part 770, Supplement No. 2 [Removed and Reserved]

3. Supplement No. 2 to part 770 is removed and reserved.

PART 776—[AMENDED]

4. Section 776.16 is amended by revising the section heading and by adding a new paragraph (b) to read as follows:

§ 776.16 Regional stability items.

* * * * *

(b) Items described on the Commerce Control List (CCL) under Export Control Classification Numbers (ECCNs) 6A02, 6A03, 6D21, 6E01, 6E02, 7D01, 7E01, 7E02, and 7E21 to any destination, except Canada. Applications for validated license will be reviewed on a case-by-case basis to determine whether the export or reexport could contribute directly or indirectly to any country's military capabilities in a manner that would alter or destabilize a region's military balance contrary to the foreign policy interests of the United States.

(1) Foreign Policy controls for regional stability apply to the following ECCNs on the CCL:

(i) Items controlled under 6A02.a.1, a.2, a.3, and c;

(ii) Items controlled under 6A03.b.3 and b.4;

(iii) 6D21: software specially designed for the "development" or "production" of items controlled by 6A02.a.1, a.2, a.3, and c;

(iv) 6E01: technology for the "development" of items controlled by 6A02.a.1, a.2, a.3, c, and 6A03.b.3 and b.4;

(v) 6E02: technology for the "production" of items controlled by 6A02.a.1, a.2, a.3, and c, and 6A03.b.3 and b.4;

(vi) 7D01: software specially designed for the "development" or "production" of items controlled by 7A01, 7A02, and 7A03;

(vii) 7E01: technology for the "development" of inertial navigation systems, inertial equipment and specially designed components therefor, for "civil aircraft";

(viii) 7E02: technology for the "production" of inertial navigation systems, inertial equipment and specially designed components therefor, for "civil aircraft";

(ix) 7E21: technology for the "development" or "production" of inertial navigation systems, inertial equipment and specially designed components therefor, for "civil aircraft".

(2) Any application to export an item identified in paragraph (b)(1) of this section must be accompanied by full technical specifications. Any such applications received without proper technical specifications will be promptly returned without action. Applicants who wish to export such items to countries eligible for the special processing time frames of § 770.14 of this subchapter are hereby notified pursuant to § 770.14(c)(1)(iii) of this subchapter that an additional 15 working days are required to process such applications. When a notice of

intent to deny is issued under § 770.14(e) of this subchapter the denial will not become effective on the 45th day after date of such notification, the application will continue under review until the exporter is notified of further action.

PART 790—[AMENDED]

5. A new § 790.8 is added to read as follows:

§ 790.8 General order on the transfer of jurisdiction over certain items from the U.S. Munitions List maintained by the Department of State to the Commerce Control List.

Effective October 26, 1993, the terms and conditions that the Office of Defense Trade Controls, Department of State, has placed on its licenses for items that have been transferred from its jurisdiction (under the U.S. Munitions List (22 CFR part 121)) to the jurisdiction of the Department of Commerce (under the Commerce Control List) shall remain in effect. Inquiries concerning the continued applicability of these conditions shall be directed to the Office of Export Licensing at the address provided in § 772.4(b)(1) of this subchapter.

PART 799—[AMENDED]

§ 799.1 Supplement No. 1 [Amended]

6. In Supplement No. 1 to § 799.1 (the Commerce Control List), the entries listed below are amended by revising the *Requirements* section for each entry:

- A. In Category 6, Sensors: ECCNs 6A02A, 6A03A, 6E01A, and 6E02A; and
B. In Category 7, Navigation and Avionics: ECCNs 7A23B, 7D01A, 7E01A, and 7E02A.

The revisions read as follows:

6A02A Optical Sensors.

Requirements

Validated License Required:
QSTVWYZ

Unit: Number; \$ value for parts and accessories

Reason for Control: NS, FP, MT, and NP (see Notes)

GLV: \$3,000, except \$0 for items described in paragraphs a.1, a.2, a.3, and c.

GCT: Yes, except MT, FP, and 6A02.a.1, a.2, a.3, and c (see Notes)

GFW: Yes, except 6A02.a.1, a.2, a.3, a.4, and c

Group W Favorable Consideration: Yes, except MT and FP (see Notes)

Notes: 1. FP controls for regional stability apply to items controlled in 6A02.a.1, a.2, a.3, and c (see § 776.16(b) of this subchapter).

2. FP controls for human rights apply to all destinations except Australia, Japan, New

Zealand, and members of NATO for police-model infrared viewers controlled by 6A02.c (see § 776.14 of this subchapter).

3. MT controls apply to optical detectors described in 6A02.a.1, a.3, and a.4 that are specially designed or rated as electromagnetic (including "laser") and ionized-particle radiation resistant.

4. NP controls apply to all countries, except countries listed in Supplement No. 2 to Part 773 of this subchapter, for image intensifier tubes and specially designed components described in 6A02.a.2.

* * * * *

6A03A Cameras.

Requirements

Validated License Required:
QSTVWYZ

Unit: Number

Reason for Control: NS, FP, and NP (see Notes)

GLV: \$1,500

GCT: Yes, except 6A03.a.2, a.3, a.4, a.5, b.1, b.3, and b.4

GFW: No

Notes: 1. FP controls for regional stability apply to items controlled in 6A03.b.3 and b.4.

2. NP controls apply to items controlled in 6A03.a.2 through a.5 and b.1.

* * * * *

6E01A Technology according to the General Technology Note for the "development" of equipment, materials or "software" controlled by 6A01, 6A02, 6A03, 6A04, 6A05, 6A06, 6A07, 6A08, 6B04, 6B05, 6B07, 6B08, 6C02, 6C04, 6C05, 6D01, 6D02, or 6D03.

Requirements

Validated License Required:
QSTVWYZ

Reason for Control: NS, MT, NP, and FP (see Notes)

GTDR: Yes, except MT, NP, and FP (see Notes) and exports to Iran and Syria
GTDU: No

Notes: 1. MT controls apply to technology for the "development" of equipment controlled by 6A02.a.1, a.3, and a.4, 6A07.b and c, and 6A08. MT controls on technology for 6A08 equipment apply only when the equipment is designed for airborne applications and is usable in the systems described in § 778.7(a) of this subchapter.

2. FP controls for regional stability apply to technology for items controlled by 6A02.a.1, a.2, a.3, and c (see § 776.16(b) of this subchapter).

3. FP controls for human rights apply to all destinations except Australia, Japan, New Zealand, and members of NATO for technology for the "development" of police-model infrared viewers controlled by 6A02.c (see § 776.14 of this subchapter).

4. NP controls apply to all countries, except countries listed in Supplement No. 2 to Part 773 of this subchapter, for image intensifier tubes and specially designed components described in 6A02.a.2.

* * * * *

6E02A Technology according to the General Technology Note for the "production" of equipment or materials controlled by 6A01, 6A02, 6A03, 6A04, 6A05, 6A06, 6A07, 6A08, 6B04, 6B05, 6B07, 6B08, 6C02, 6C04, or 6C05.

Requirements

Validated License Required:
QSTVWYZ

Reason for Control: NS, MT, NP, and FP (see Notes)

GTDR: Yes, except MT, NP, and FP (see Notes) and exports to Iran and Syria
GTDU: No

Notes: 1. MT controls apply to technology for the "production" of equipment controlled by 6A02.a.1, a.3, and a.4, 6A07.b and c, and 6A08. MT controls on technology for 6A08 equipment apply only when the equipment is designed for airborne applications and is usable in the systems described in § 778.7(a) of this subchapter.

2. FP controls for regional stability apply to technology for the "production" of items controlled by 6A02.a.1, a.2, a.3, and c (see § 776.16(b) of this subchapter).

3. FP controls for human rights apply to all destinations except Australia, Japan, New Zealand, and members of NATO for technology for the "production" of police-model infrared viewers controlled by 6A02.c (see § 776.14 of this subchapter).

4. NP controls apply to all countries, except countries listed in Supplement No. 2 to Part 773 of this subchapter, for image intensifier tubes and specially designed components described in 6A02.a.2.

* * * * *

7A23B Inertial or other equipment using accelerometers or gyros described in 7A21B or 7A22B, and systems incorporating such equipment; and specially designed components therefor.

Requirements

Validated License Required:
QSTVWYZ

Unit: \$ Value

Reason for Control: MT

GLV: \$5,000 (see Note)

GCT: No

GFW: No

Note: Inertial navigation systems and inertial equipment, and specially designed components therefor, for use on "civil aircraft" are not eligible for General License GLV.

* * * * *

7D01A "Software" specially designed or modified for the "development" or "production" of equipment controlled by 7A or 7B for national security reasons.

Requirements

Validated License Required:
QSTVWYZ

Unit: \$ Value

Reason for Control: NS, MT, and FP (see Notes)

GTDR: No

GTDU: No

Notes: 1. FP controls for regional stability apply to "software" for the "development" or "production" of inertial navigation systems, inertial equipment and specially designed components therefor, for "civil aircraft" (see § 776.16(b) of this subchapter).

2. Software for inertial navigation systems and inertial equipment and specially designed components therefor, not for use on "civil aircraft" are controlled by the Office of Defense Trade Controls, U.S. Department of State (see the U.S. Munitions List, Category VIII (g) and (j) (22 CFR part 121)).

7E01A Technology according to the General Technology Note for the "development" of equipment or "software" controlled by 7A, 7B, or 7D for national security reasons.

Requirements

Validated License Required:
QSTVWYZ

Reason for Control: NS, MT, and FP (see Notes)

GTDR: No

GTDU: No

Notes: 1. FP controls for regional stability apply to technology for the "development" of inertial navigation systems, inertial equipment and specially designed components therefor, for "civil aircraft" (see § 776.16(b) of this subchapter).

2. Related ECCNs: See 7E21 for MT and FP controls on technology not controlled under 7E01, for the "development" or "production" of equipment or software controlled under Category 7 for MT or FP reasons.

7E02A Technology according to the General Technology Note for the "production" of equipment controlled by 7A or 7B for national security reasons.

Requirements

Validated License Required:
QSTVWYZ

Reason for Control: NS, MT, and FP (see Notes)

GTDR: No

GTDU: No

Notes: 1. FP controls for regional stability apply to technology for the "production" of inertial navigation systems, inertial equipment and specially designed components therefor, for "civil aircraft" (see § 776.16(b) of this subchapter).

2. Related ECCNs: See 7E21 for MT and FP controls on technology not controlled under 7E01, for the "development" or "production" of equipment or software controlled under Category 7 for MT or FP reasons.

6. In Supplement No. 1 to § 799.1 (the Commerce Control List), in Category 6, Sensors, ECCN 6D01A is revised to read as follows:

6D01A "Software" specially designed for the "development" or "production" of equipment controlled by 6A04, 6A05, 6A08, or 6B08.

Requirements

Validated License Required:
QSTVWYZ

Unit: \$ Value

Reason for Control: NS and MT (see Note)

GTDR: Yes, except MT (see Note)

GTDU: No

Note: MT controls apply to "software" for the "development" or "production" of equipment controlled by ECCN 6A08 that is designed for airborne applications and that is usable in the systems described in § 778.7(a) of this subchapter.

Related ECCNs: See 6D21 for:

1. MT controls on "software" specially designed for the "development" or "production" of equipment controlled by 6A02.a.1, a.2, and a.4, 6A22, 6A07.b and c, 6A28, or 6A30.

2. FP controls for regional stability on "software" for the "development" or "production" of equipment controlled by 6A02.a.1, a.2, a.3, c, and 6A03.b.3 and b.4 (see § 776.16(b) of this subchapter).

7. In Supplement No. 1 to § 799.1 (the Commerce Control List), in Category 6, Sensors, ECCN 6D21B is revised to read as follows:

6D21B "Software" specially designed for the "development" or "production" of equipment controlled by 6A02.a.1, a.2, a.3, a.4, c, 6A03.b.3, b.4, 6A22, 6A07.b and c, 6A28 or 6A30.

Requirements

Validated License Required:
QSTVWYZ

Unit: \$ Value

Reason for Control: MT and FP (see Notes)

GTDR: No

GTDU: No

Notes: 1. FP controls for regional stability apply to "software" for the "development" or "production" of equipment controlled by 6A02.a.1, a.2, a.3, c, 6A03.b.3, and b.4 (see § 776.16(b) of this subchapter).

2. MT controls apply to "software" for the development" or "production" or equipment controlled by 6A02.a.1, a.3, and a.4, 6A22, 6A07.b and c, 6A28, or 6A30 (see § 778.7(a) of this subchapter).

8. In Supplement No. 1 to § 799.1 (the Commerce Control List), in Category 7, Navigation and Avionics, ECCN 7A03A is revised to read as follows:

7A03A Inertial navigation systems and inertial equipment for "aircraft", and specially designed components therefor.

Requirements

Validated License Required:
QSTVWYZ

Unit: \$ Value

Reason for Control: NS and MT

GLV: \$5,000 (see Notes)

GCT: No

GFW: No

Notes: 1. Inertial navigation systems and inertial equipment, and specially designed components therefor, for use on "civil aircraft" are not eligible for General License GLV.

2. Inertial navigation systems and inertial equipment, and specially designed components therefor, not for use on civil aircraft are controlled by the Office of Defense Trade Controls, U.S. Department of State (see the U.S. Munitions List, Category VIII (22 CFR part 121)).

List of Items Controlled

Inertial navigation systems (gimballed and strapdown) and inertial equipment for altitude, guidance or control, and specially designed components therefor, having any of the following characteristics:

- Navigation error (free inertial) of 0.8 nautical mile per hour (50% Circular Error Probable (CEP) or less (better) subsequent to normal alignment);
- Specified to function at acceleration levels exceeding 10 g.

Related ECCNs: See 7A23B for MT controls on inertial or other equipment, not controlled by 7A03A, using accelerometers or gyros described in 7A21B or 7A22B, and systems incorporating such equipment.

9. In Supplement No. 1 to § 799.1 (the Commerce Control List), in Category 7, Navigation and Avionics, ECCN 7E21B is revised to read as follows:

7E21B Other technology for the "development", "production", or "use" of equipment or "software" controlled by 7A, 7B, or 7D for missile technology reasons.

Requirements

Validated License Required:
QSTVWYZ

Reason for Control: MT and FP (see Notes)

GTDR: No

GTDU: No

Notes: 1. FP controls for regional stability apply to "development" or "production" of inertial navigation systems, inertial equipment, and specially designed components therefor for "civil aircraft" (see § 776.16(b) of this subchapter).

2. Technology for inertial navigation systems and inertial equipment, and specially designed components therefor, not for use on "civil aircraft" are controlled by the Office of Defense Trade Controls, U.S. Department of State (see the U.S. Munitions List, Category VIII (22 CFR part 121)).

10. In Supplement No. 1 to § 799.2 (Commodity Interpretations) Interpretation 21 is revised to read as follows:

Supplement No. 1 to § 799.2—Interpretations

* * * * *

Interpretation 21: Civil Aircraft Inertial Navigation Equipment

(a) The Department of Commerce, Office of Export Licensing (OEL), has licensing jurisdiction over exports and reexports to all destinations of inertial navigation systems, inertial navigation equipment, and specially designed components therefor for "civil aircraft".

(b) The Department of State, Office of Defense Trade Controls (DTC), retains jurisdiction over all software and technology for inertial navigation system and navigation equipment, and specially designed components therefor, for shipborne use, underwater use, ground vehicle use, spaceborne use or use other than "civil aircraft".

Dated: October 18, 1993.

Iain S. Baird,

Acting Assistant Secretary for Export Administration.

[FR Doc. 93-26034 Filed 10-25-93; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 178**

[Docket No. 92F-0161]

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 an aqueous solution of iodine and hypochlorous acid, generated by the dilution of an aqueous acidic (21.5 percent nitric acid) solution of iodine monochloride, as a sanitizing solution to be used on food-processing equipment and utensils, including dairy-processing equipment. This action responds to a petition filed by Diversey Corp.

DATES: Effective October 26, 1993; written objections and requests for a hearing by November 26, 1993.

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: Mitchell Cheeseman, Center for Food Safety and Applied Nutrition (HFS-216), 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

May 13, 1992 (57 FR 20494), FDA announced that a food additive petition (FAP 1B4245) had been filed by Diversey Corp., 1532 Biddle Ave., Wyandotte, MI 48192, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of an aqueous solution of iodine and hypochlorous acid generated by the dilution of an aqueous acidic (21.5 percent nitric acid) solution of iodine monochloride as a sanitizing solution to be used on dairy-processing equipment, in addition to food-processing equipment and utensils.

I. Safety and Functional Effect of Petitioned Use of the Additives

Sanitizing solutions are regulated as mixtures of chemicals which function together to sanitize food-contact surfaces. Each listed component in a sanitizing solution has a functional effect. In addition, FDA regulations permit the addition to a sanitizing solution of any component that is generally recognized as safe (§ 178.1010(b)). The subject sanitizing solution is an aqueous solution of iodine and hypochlorous acid, generated by the dilution of an aqueous acidic (21.5 percent nitric acid) solution of iodine monochloride. The dilution of the sanitizer results in a disproportionation reaction that converts the nitric acid and iodine monochloride in the concentrated solution into titratable iodine, hypochlorous acid, and additional ionic components. The ionic components are all commonly present in food. Therefore, the agency's safety review of the sanitizing solution has focused on iodine and hypochlorous acid. The function of these components and the basis for FDA's determination of the safety of these components in the subject sanitizer are described below.

A. Iodine

Iodine functions as an antimicrobial agent in the subject sanitizing solution. Iodine is listed as a component in regulated sanitizing solutions under 21 CFR 178.1010 (b)(4), (b)(5), (b)(6), (b)(8), (b)(13), (b)(14), (b)(24), (b)(25), and (b)(31). On the basis of the data submitted in support of these already regulated uses and the data contained in the food additive petition submitted in support of this sanitizing solution, FDA finds that the use of iodine in the subject sanitizing solution is safe.

B. Hypochlorous Acid

Hypochlorous acid functions as an antimicrobial agent in the subject sanitizing solution. Hypochlorous acid is present in regulated sanitizing

solutions which contain hypochlorite salts under 21 CFR 178.1010(b)(1), (b)(15), and (b)(37). On the basis of the data submitted in support of the already regulated uses of hypochlorite salts and the data contained in the food additive petition submitted in support of this sanitizing solution, FDA finds that the use of hypochlorous acid in the subject sanitizing solution is safe.

C. Conclusion on Safety

As discussed above, FDA has evaluated the data in the petition and other relevant materials. On the basis of this evaluation, the agency concludes that these data and materials establish the safety of the level of use and the effectiveness of the additive as a sanitizing solution, and that the regulations should be amended in § 178.1010 as set forth below. The agency also finds that the data in this petition support the use of the subject sanitizing solution on dairy-processing equipment as well as on other food-processing equipment and utensils.

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 information that is not available for public disclosure before making the documents available for inspection.

II. Environmental Impact

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.

III. Objections

Any person who will be adversely affected by this regulation may at any time on or before November 26, 1993, 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 178

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 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.1010 is amended by adding new paragraph (b)(43) and by revising the first sentence in paragraph (c)(19) to read as follows:

§ 178.1010 Sanitizing solutions

* * * * *

(b) * * *

(43) An aqueous solution of iodine and hypochlorous acid generated by the dilution of an aqueous acidic (21.5 percent nitric acid) solution of iodine monochloride. In addition to use on food-processing equipment and utensils, this solution may be used on dairy-processing equipment.

(c) * * *

(19) Solutions identified in paragraphs (b)(24), (b)(25), and (b)(43) of this section shall provide at least 12.5 parts per million and not more than 25 parts per million of titratable iodine.

* * * * *

Dated: October 14, 1993.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-26271 Filed 10-25-93; 8:45 am]

BILLING CODE 4100-01-F

21 CFR Part 178

[Docket No. 93F-0001]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to correct an error in nomenclature. The amendment would add *N*-methacryloyloxyethyl-*N*, *N*-dimethylammonium- α -*N*-methyl carboxylate chloride sodium salt, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer for use as an antistatic agent in polyolefin films that contact foods under certain conditions of use. The amendment would also remove the erroneous listing of *N*-methacryloyl ethyl-*N*, *N*-dimethylammonium- α -*N*-methyl carboxylate, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer. This action is in response to a petition filed by Mitsubishi Petrochemical Co.

DATES: Effective October 26, 1993; written objections and requests for a hearing by November 26, 1993.

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: Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9528.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of March 12, 1993 (58 FR 13603), FDA announced that a food additive petition (FAP 3B4352) had been filed by Mitsubishi Petrochemical Co., c/o Center for Regulatory Services, 2347 Paddock Lane, Reston, VA 22091. The petition proposes that § 178.3130 *Antistatic and/or antifogging agents in food-packaging materials* (21 CFR 178.3130) of the food additive

regulations be amended to correct an error in nomenclature. The amendment would list *N*-methacryloyloxyethyl-*N*, *N*-dimethylammonium- α -*N*-methyl carboxylate chloride sodium salt, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer (CAS Reg. No. 66822-60-4) for use as an antistatic agent at levels not to exceed 0.2 percent by weight of polyolefin films that contact foods under certain conditions of use. The amendment would also remove the erroneous listing of *N*-methacryloyl ethyl-*N*, *N*-dimethylammonium- α -*N*-methyl carboxylate, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer (CAS Reg. No. 64913-46-8) from the regulations.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe and that § 178.3130(b) 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 previously considered the environmental effects of this rule as announced in the notice of filing for FAP 3B4352 (58 FR 13603). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

Any person who will be adversely affected by this regulation may at any time on or before November 26, 1993, 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