

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### **Environmental Review**

This action is a minor administrative change to amend the name of the controlling agency of an existing restricted area. There are no changes to air traffic control procedures or routes as a result of this action. Therefore, this action is not subject to environmental assessments and procedures in accordance with FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts," and the National Environmental Policy Act of 1969.

#### **List of Subjects in 14 CFR Part 73**

Airspace, Navigation (air).

#### **Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

#### **PART 73—SPECIAL USE AIRSPACE**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### **§ 73.71 [Amended]**

2. § 73.71 is amended as follows:

\* \* \* \* \*

##### **R-7104 Vieques Island, PR [Amended]**

By removing the words "Controlling agency, FAA, San Juan ARTCC," and adding the words "Controlling agency, FAA, San Juan CERAP."

\* \* \* \* \*

Issued in Washington, DC, on August 25, 1999.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

[FR Doc. 99–22753 Filed 8–31–99; 8:45 am]

BILLING CODE 4910–13–P

## **DEPARTMENT OF COMMERCE**

### **Bureau of Export Administration**

#### **15 CFR Parts 742 and 774**

[Docket No. 990811214–9214–01]

RIN 0694–AB79

#### **Exports and Reexports of Commercial Charges and Devices Containing Energetic Materials**

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to the Department of Commerce export controls. This interim rule amends the CCL by revising and clarifying controls on certain commercial charges and devices containing energetic materials commonly used in mining and oil well development as well as in air bags and fire extinguishers and also certain pyrotechnic/explosive devices, of the type commonly used by the U.S. motion picture and television industry. Specifically, this rule revises Export Control Classification Numbers (ECCNs) 1C018 and 1C992 to better distinguish the types of charges and explosive devices controlled by these entries and to provide clear thresholds of control. Military explosive devices or charges that utilize United States Munitions List (USML) controlled energetic materials are subject to the export licensing authority of the Department of State. In addition, individual USML controlled energetic materials, even when compounded with other materials, are subject to the export licensing authority of the Department of State, when not incorporated into explosive devices or charges controlled by ECCNs 1C018 or 1C992. Commercial charges and devices containing energetic materials that are not subject to the export licensing authority of the Department of State or are not controlled by ECCN 1C018 are controlled by ECCN 1C992 for anti-terrorism reasons.

This rule removes ECCN 1C998. Items previously controlled by ECCN 1C998 have been moved to ECCN 1C992.

In addition, this rule corrects an inadvertent error to License Exception LVS for ECCN 0A018 that was published on July 14, 1998 (63 FR 37767).

**DATES:** Effective Date: This rule is effective September 1, 1999.

**COMMENT DATES:** Comments on this rule must be received on or before October 18, 1999.

**ADDRESSES:** Written comments on this rule should be sent to Hillary Hess, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:** Tanya Mottley, Director, Strategic Trade Division, Bureau of Export Administration, Telephone: (202) 482–1837.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, the Export Administration Regulations and, to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629), August 13, 1998 (63 FR 44121), and August 10, 1999 (64 FR 44101, August 13, 1999).

##### **Rulemaking Requirements**

1. This interim rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves a collection of information approved by the Office of Management and Budget under control number 0694–0088, "Multi-Purpose Application," which carries a burden hour estimate of 45 minutes manually per submission and 40 minutes electronically, per submission. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to the Regulatory Policy Division, Bureau of Export Administration, Department of

Commerce, P.O. Box 273, Washington, DC 20044.

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

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 military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

However, because of the importance of the issues raised by these regulations, this rule is being issued in interim form and BXA will consider comments in the development of the final regulations.

Accordingly, the Department encourages interested persons who wish to comment to do it at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close October 18, 1999. 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 persons 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 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 6883, 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 Henry Gaston, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 482-0500.

#### List of Subjects

##### 15 CFR Part 742

Exports, Foreign trade.

##### 15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 742 and 774 of the Export Administration Regulations (15 CFR parts 730-799) are amended as follows:

1. The authority citation for part 742 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 3 CFR, 1996 Comp., p. 228; Notice of August 13, 1997 (62 FR 43629, August 15, 1997); Notice of August 13, 1998 (63 FR 44121, August 13, 1998); and Notice of August 10, 1999 (64 FR 44101, August 13, 1999).

2. The authority citation for part 774 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 720; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995, 60 FR 42767, 3 CFR, 1995 Comp., p. 501; Notice of August 14, 1996, 61 FR 42527, 3 CFR, 1996 Comp., p. 298; Notice of August 13, 1997, 62 FR 43629, 3 CFR, 1997 Comp., p. 306; Notice of August 13, 1998, 63 FR 44121, 3 CFR, 1998 Comp., p. 294; and Notice of August 10, 1999 (64 FR 44101, August 13, 1999).

#### PART 742—[AMENDED]

3. Section 742.9 is amended by adding a new paragraph (b)(1)(vii), to read as follows:

##### § 742.9 Anti-terrorism: Syria

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(vii) Commercial charges and devices controlled under ECCN 1C992.

\* \* \* \* \*

4. Section 742.10 is amended by adding a new paragraph (b)(1)(vii), to read as follows:

##### § 742.10 Anti-terrorism: Sudan

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(vii) Commercial charges and devices controlled under ECCN 1C992.

\* \* \* \* \*

#### PART 774—[AMENDED]

5. In Supplement No. 1 to part 774, the Commerce Control List, Category 0 (Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]), Export Control Classification Number (ECCN) 0A018 is amended by revising the License Exceptions section to read as follows:

##### 0A018 Items on the International Munitions List.

\* \* \* \* \*

#### LICENSE EXCEPTIONS

LVS:

\$5000 for 0A018.a and .b

\$3000 for 0A018.c

\$1500 for 0A018.d through .f

\$0 for Rwanda and the Federal

Republic of Yugoslavia (Serbia and Montenegro)

GBS: N/A

CIV: N/A

\* \* \* \* \*

6. In Supplement No. 1 to part 774, the Commerce Control List, Category 1 (Materials, Chemicals, Microorganisms, and Toxins), the following Export Control Classification Numbers (ECCNs) are amended:

a. By revising the entry heading and the List of Items Controlled section ECCN 1C018;

b. By revising ECCN 1C992; and

c. By removing ECCN 1C998, to read as follows:

##### 1C018 Commercial charges and devices containing energetic materials on the International Munitions List.

\* \* \* \* \*

#### List of Items Controlled

Unit: Number.

**Related Controls:** (1) Explosive devices or charges that utilize USML controlled energetic materials (See 22 CFR 121.1, Category V) are subject to the licensing authority of the U.S. Department of State, Office of Defense Trade Controls if they have been specifically designed, developed, configured, adapted, or modified for a military application. (2) With the exception of slurries, cutters and severing tools, if the USML controlled materials utilized in devices and charges controlled by this entry can be easily extracted without destroying the device or charge, then they are subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls. (3) Commercial prefabricated slurries and emulsions containing greater than 35% of USML controlled energetic materials are subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Control. (4) The individual USML controlled energetic materials, even when compounded with other materials, remain subject to the export licensing authority of the Department of State when not incorporated into explosive devices or charges controlled by this entry or 1C992. (5) See also ECCNs 1C011, 1C111, and 1C239 for additional controlled energetic materials.

**Related Definitions:** (1) For purposes of this entry, the term "controlled materials" means controlled energetic materials (see ECCNs 1C011, 1C111, 1C239 and 22 CFR 121.1, Category V). (2) For purposes of this entry, the mass of aluminum powder, potassium perchlorate, and any of the substances listed in the note to the USML (see 22 CFR Part 121.12) (such as ammonium pictrate, black powder, etc.) contained in commercial explosive devices and in the charges are omitted when determining the total mass of controlled material.

**Items:**

- a. Shaped charges specially designed for oil well operations, utilizing one charge functioning along a single axis, that upon detonation produce a hole; and
- a.1. Contain any controlled materials;
- a.2. Have a uniform shaped conical liner with an included angle of 90 degrees or less;
- a.3. Have more than 0.090 kg but not more than 2.0 kg of controlled materials; and
- a.4. Have a diameter not exceeding 4.5 inches.
- b. Detonating cord or shock tubes containing greater than 0.064 kg per meter (300 grains per foot), but not more

than 0.1 kg per meter (470 grains per foot) of controlled materials;

c. Cartridge power devices containing greater than 0.70 kg, but not more than 1.0 kg of controlled materials;

d. Detonators (electric or nonelectric) and assemblies thereof containing greater than 0.01 kg, but not more than 0.1 kg of controlled materials;

e. Igniters containing greater than 0.01 kg, but not more than 0.1 kg of controlled materials;

f. Oil well cartridges containing greater than 0.015 kg, but not more than 0.1 kg of controlled materials;

g. Commercial cast or pressed boosters containing greater than 1.0 kg, but not more than 5.0 kg of controlled materials;

h. Commercial prefabricated slurries and emulsions containing greater than 10 kg and less than or equal to thirty-five percent by weight of USML controlled materials;

i. Cutters and severing tools containing greater than 3.5 kg, but not more than 10 kg of controlled materials;

j. Pyrotechnic devices when designed exclusively for commercial purposes (e.g., theatrical stages, motion picture special effects, and fireworks displays), and containing greater than 3.0 kg, but not more than 5.0 kg of controlled materials; or

k. Other commercial explosive devices and charges, not controlled by 1C018.a through g above, when used for commercial applications and containing greater than 1.0 kg but not more than 5.0 kg of controlled materials.

**1C992 Commercial charges and devices containing energetic materials, n.e.s.**

**License Requirements**

*Reason for Control:* AT, UN.

Control(s)	Country chart
AT applies to entire entry .. UN applies to 1C992. b through k.	AT Column 1 Federal Republic of Yugoslavia (Serbia and Montenegro)

**License Exceptions**

LVS: N/A

GBS: N/A

CIV: N/A

**List of Items Controlled**

*Unit:* \$ value.

**Related Controls:** Commercial charges and devices containing USML controlled energetic materials that exceed the quantities noted or that are not covered by this entry are controlled under 1C018.

**Related Definitions:** (1) Items controlled by this entry 1C992 are those

materials not subject to the licensing authority of the U.S. Department of State, Office of Defense Trade Controls (see 22 CFR part 121) or controlled by ECCN 1C018. (2) For purposes of this entry, the term "controlled materials" means controlled energetic materials (see ECCNs 1C011, 1C111, 1C239 and 22 CFR 121.1, Category V). (3) The individual USML controlled energetic materials, even when compounded with other materials, remain subject to the export licensing authority of the Department of State when not incorporated into explosive devices or charges controlled by this entry. (4) Commercial prefabricated slurries and emulsions containing greater than 35% of USML controlled energetic materials are subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Control. (5) For purposes of this entry, the mass of aluminum powder, potassium perchlorate, and any of the substances listed in the note to the USML (see 22 CFR 121.12) (such as ammonium pictrate, black powder, etc.) contained in commercial explosive devices and in the charges are omitted when determining the total mass of controlled material.

**Items:**

a. Shaped charges specially designed for oil well operations, utilizing one charge functioning along a single axis, that upon detonation produce a hole, and

- a.1. Contain any formulation of controlled materials;
- a.2. Have only a uniform shaped conical liner with an included angle of 90 degrees or less;
- a.3. Contain more than 0.010 kg but less than or equal to 0.090 kg of controlled materials; and
- a.4. Have a diameter not exceeding 4.5 inches;

b. Shaped charges specially designed for oil well operations containing less than or equal to 0.010 kg of controlled materials;

c. Detonation cord or shock tubes containing less than or equal to 0.064 kg per meter (300 grains per foot) of controlled materials;

d. Cartridge power devices, that contain less than or equal to 0.70 kg of controlled materials in the deflagration material;

e. Detonators (electric or nonelectric) and assemblies thereof, that contain less than or equal to 0.01 kg of controlled materials;

f. Igniters, that contain less than or equal to 0.01 kg of controlled materials;

g. Oil well cartridges, that contain less than or equal to 0.015 kg of controlled energetic materials;

h. Commercial cast or pressed boosters containing less than or equal to 1.0 kg of controlled materials;

i. Commercial prefabricated slurries and emulsions containing less than or equal to 10.0 kg and less than or equal to thirty-five percent by weight of USML controlled materials;

j. Cutters and severing tools containing less than or equal to 3.5 kg of controlled materials;

k. Pyrotechnic devices when designed exclusively for commercial purposes (e.g., theatrical stages, motion picture special effects, and fireworks displays) and containing less than or equal to 3.0 kg of controlled materials; or

l. Other commercial explosive devices and charges not controlled by 1C992.a through .k containing less than or equal to 1.0 kg of controlled materials.

**Note:** 1C992.l includes automotive safety devices; extinguishing systems; cartridges for riveting guns; explosive charges for agricultural, oil and gas operations, sporting goods, commercial mining, or public works purposes; and delay tubes used in the assembly of commercial explosive devices.

Dated: August 27, 1999.

**Iain S. Baird,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 99-22768 Filed 8-31-99; 8:45 am]

BILLING CODE 3510-33-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 5

#### Delegations of Authority and Organization; Redlegation to Officials Within the Center for Biologics Evaluation and Research

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the statements of redelegations of authority to reflect a new redelegation that enables the Director and Deputy Directors of the Center for Biologics Evaluation and Research (CBER) to issue license suspension notifications under the authority given to the Commissioner of Food and Drugs (the Commissioner). This amendment is intended to reflect those redelegations.

**EFFECTIVE DATE:** September 1, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Anita F. Richardson, Center for Biologics Evaluation and Research (HFM-610), Food and Drug

Administration, 1401 Rockville Pike, Rockville, MD 20850, 301-827-6206, or

Donna G. Page, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4816.

**SUPPLEMENTARY INFORMATION:** FDA is amending the redelegations of authority statement in § 5.67 (21 CFR 5.67) by revising the section heading and adding an authority to certain FDA officials. In order to ensure efficient program operations, the Commissioner has further redelegated this authority to the Center Director and the Deputy Center Directors, CBER, the authority to issue license suspensions under section 351(a)(2)(A) of the Public Health Service Act (42 U.S.C. 262(a)(2)(A)), as amended. The Commissioner's authority is currently codified under 21 CFR 5.10(a)(5) and the associated regulation is currently codified under 21 CFR 601.6. This authority may not be further redelegated at this time.

#### List of Subjects in 21 CFR Part 5

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

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

#### PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

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

**Authority:** 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; 15 U.S.C. 1451-1461; 21 U.S.C. 41-50, 61-63, 141-149, 321-394, 467f, 679(b); 801-886, 1031-1309; 35 U.S.C. 156; 42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u-300u-5, 300aa-1; 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11921, 41 FR 24294, 3 CFR, 1997 Comp., p. 124-131; E.O. 12591, 52 FR 13414, 3 CFR, 1988 Comp., p. 220-223.

2. Section 5.67 is amended by revising the section heading and the introductory paragraph, and by adding paragraph (e) to read as follows:

**§ 5.67 Issuance of notices of opportunity for a hearing on proposals for denial of approval of applications for licenses, suspension of licenses, or revocation of licenses and certain notices of revocation of licenses.**

The Center Director and Deputy Center Directors, Center for Biologics

Evaluation and Research are authorized to issue:

\* \* \* \* \*

(e) Notice of license suspensions under § 601.6 of this chapter.

Dated: August 25, 1999.

**Margaret M. Dotzel,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 99-22676 Filed 8-31-99; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 178

[Docket No. 99F-0994]

#### 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 phosphorothioic acid, *O,O,O*-triphenyl ester, *tert*-butyl derivatives, as extreme pressure-antiwear adjuvants for lubricants intended for incidental contact with food. This action responds to a petition filed by Ciba Specialty Chemicals Corp.

**DATES:** This regulation is effective September 1, 1999; submit written objections and requests for a hearing by October 1, 1999.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of April 27, 1999 (64 FR 22615), FDA announced that a food additive petition (FAP 9B4657) had been filed by Ciba Specialty Chemical Corp., 540 White Plains Rd., P.O. Box 2005, Tarrytown, NY 10591-9005. The petition proposed to amend the food additive regulations in § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) to provide for the safe use of phosphorothioic acid, *O,O,O*-triphenyl ester, *tert*-butyl derivatives, as extreme pressure-antiwear adjuvants for lubricants intended for incidental contact with food.