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(g) This amendment (39-10098) becomes effective on August 15, 1997, to all persons except those persons to whom it was made immediately effective by priority letter AD 97-15-07, issued July 11, 1997, which contained the requirements of this amendment.

Issued in Kansas City, Missouri, on July 21, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-20316 Filed 8-4-97; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 738, 740, and 774

[Docket No. 970703164-7164-01]

RIN 0694-AB61

Liberalization of Export Controls for Oscilloscopes (Including Certain Transient Recorders), Affected ECCNs: 3A202, 3A292, 3E001, 3E201, and 3E292

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration maintains the Commerce Control List (CCL, 15 CFR part 774), which appears in the Export Administration Regulations (EAR). This rule revises the reason for control for oscilloscopes (including certain transient recorders) from NP Column 1 to NP Column 2, in the Commerce Country Chart (Supplement No. 1 to 15 CFR part 738). In addition, revisions are made to NP Column 2 of the Commerce Country Chart, and Column [D:2] Nuclear of Country Group D, to reflect that Algeria, Andorra, Angola, Comoros, Djibouti, Micronesia, Oman, United Arab Emirates, and Vanuatu have signed the Nuclear Non-Proliferation Treaty. This revision will substantially reduce the paperwork burden on the public by decreasing the number of license applications exporters and reexporters are required to submit for oscilloscopes.

EFFECTIVE DATE: August 6, 1997.

FOR FURTHER INFORMATION CONTACT: Joseph Chuchla, Office of Nuclear & Missile Technology Controls, Telephone: (202) 482-4188.

SUPPLEMENTARY INFORMATION:

Background

In May of 1997, the Nuclear Suppliers Group (NSG) agreed to remove oscilloscopes from the Annex to the "Nuclear-Related Dual-Use Equipment, Materials, and Related Technology List" (the Annex) published by the International Atomic Energy Agency and adhered to by the United States and other subscribing governments in the NSG.

The items on the CCL that are subject to nuclear nonproliferation controls are referred to as the Nuclear Referral List (NRL). The NRL includes NSG-controlled items and other items subject to control for nuclear non-proliferation reasons by the United States. This Administration has ongoing concerns about the value and technical significance of oscilloscopes in nuclear weapons testing; therefore, the Administration has decided not to remove oscilloscopes from the NRL. The U.S. proposed, and the NSG approved, a statement of NSG members, commitment to preventing the use of oscilloscopes contrary to the basic principle of non-proliferation. The members agreed to apply available authority to ensure exports are not diverted or used contrary to Annex Guidelines. The U.S., U.K., and Switzerland (the only producers/exporters of the relevant oscilloscopes) agreed to retain national export controls and to exercise vigilance on these items.

Where a license was required for all non-NSG member countries (NP Column 1 of the Commerce Country Chart, Supplement No. 1 to 15 CFR part 738) and countries that have been designated terrorist countries of concern (AT Column 1), this rule revises the license requirements for oscilloscopes (including transient recorders other than those controlled by 3A002.a.5) and specially designed components therefor, in that a license will only be required for nuclear countries of concern (NP Column 2) and countries that have been designated terrorism-supporting countries (AT Column 1).

This final rule amends the CCL (15 CFR part 774) by removing ECCN 3A202 and creating a new ECCN 3A292 to accommodate the new nuclear level of control (NP Column 2) for oscilloscopes (including transient recorders other than those controlled by 3A002.a.5) and specially designed components therefor. Also, a revision is made to the heading and the Reason for Control sections of ECCN 3E201 to remove the reference to ECCN 3A202 and to the heading and license requirement sections of ECCN 3E001. In addition, this rule amends the

CCL by creating a new ECCN 3E292 to accommodate the unilateral technology controls on oscilloscopes (including transient recorders other than those controlled by 3A002.a.5) and specially designed components therefor.

Lastly, this rule will revise the Commerce Country Chart in Supplement No. 1 to part 738 and Country Group D in Supplement No. 1 to part 740 to reflect that Algeria, Andorra, Angola, Comoros, Djibouti, Micronesia, Oman, United Arab Emirates, and Vanuatu have become signatories to the Nuclear Non-Proliferation Treaty. Therefore, the Commerce Country Chart is amended by removing the corresponding "x" under the heading "NP Column 2" for these countries and Country Group D is amended by removing the reference "x" under the heading "[D:2] Nuclear" for the same countries.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the EAR in Executive Order 12924 of August 19, 1994, as extended by the President's notice of August 15, 1995 and August 14, 1996 (3 CFR, 1996 Comp. 298 (1997)).

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694-0088. The effect of this rule will decrease license application requirements, thus decreasing the paperwork burden on the public to the Department of Commerce. Notwithstanding any other provision of law, no person is required to respond nor will a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

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 (see 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 rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 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 inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Regulatory Policy Division, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

List of Subjects

15 CFR Parts 738 and 774

Exports, Foreign trade.

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 738, 740, and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

The authority citation for 15 CFR part 738 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; Sec. 201, Pub. L. 104–58, 109 Stat. 557 (30 U.S.C. 185(s)); 30 U.S.C. 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. 917 (1995); E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp. 228 (1997); Notice of August 15, 1995, 3 CFR, 1995 Comp. 501 (1996); Notice of August 14, 1996, 3 CFR, 1996 Comp. 298 (1997).

2. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp. 228 (1997); Notice of August 15, 1995, 3 CFR, 1995 Comp. 501 (1996); Notice of August 14, 1996, 3 CFR, 1996 Comp. 298 (1997).

3. The authority citation for 15 CFR 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. 7420; 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; Sec. 201, Pub. L. 104–58, 109 Stat. 557 (30 U.S.C. 185(s)); 30 U.S.C. 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; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp. 228 (1997); Notice of August 15, 1995, 3 CFR, 1995 Comp. 501 (1996); Notice of August 14, 1996, 3 CFR, 1996 Comp. 298 (1997).

PART 738—[AMENDED]

4. Supplement No. 1 to part 738, Commerce Country Chart, is amended by removing the corresponding “x” under the heading “NP Column 2” for the following countries: Algeria, Andorra, Angola, Comoros, Djibouti, Micronesia, Oman, United Arab Emirates, and Vanuatu.

PART 740—[AMENDED]

5. In Supplement No. 1 to part 740, Country Group D, is revised to read as follows:

Supplement No. 1 to Part 740

* * * * *

• COUNTRY GROUP D

Country	[D: 1] National Security	[D: 2] Nuclear	[D: 3] Chemical & Biological	[D: 4] Missile Technology
Afghanistan			X	
Albania	X			
Algeria				
Andorra				
Angola				
Armenia	X		X	
Azerbaijan	X		X	
Bahrain			X	X
Belarus	X		X	
Bulgaria	X		X	
Burma			X	
Cambodia	X			
China (PRC)	X		X	X ¹
Comoros				
Cuba		X	X	
Djibouti				
Egypt			X	X
Estonia	X			
Georgia	X		X	
India		X	X	X ¹
Iran		X	X	X ¹
Iraq		X	X	X
Israel		X	X	X
Jordan			X	X
Kazakhstan	X		X	
Korea, North		X	X	X ¹
Kuwait			X	X
Kyrgyzstan	X		X	
Laos	X			
Latvia	X			
Lebanon			X	X
Libya		X	X	X

• COUNTRY GROUP D—Continued

Country	[D: 1] National Security	[D: 2] Nuclear	[D: 3] Chemical & Biological	[D: 4] Missile Technology
Lithuania	X			
Micronesia, Federated States of				
Moldova	X		X	
Mongolia	X		X	
Oman			X	X
Pakistan		X	X	X ¹
Qatar			X	X
Romania	X			
Russia	X		X	
Saudi Arabia			X	X
Syria			X	X
Taiwan			X	
Tajikistan	X		X	
Turkmenistan	X		X	
Ukraine	X		X	
United Arab Emirates			X	X
Uzbekistan	X		X	
Vanuatu				
Vietnam	X		X	
Yemen			X	X

¹ Certain Missile Technology projects have been identified in the following countries:

- China—M Series Missiles CSS-2.
- India—Agni, Prithvi, SLV-3 Satellite Launch Vehicle, Augmented Satellite Launch Vehicle (ASLV), Polar Satellite Launch Vehicle (PSLV), Geostationary Satellite Launch Vehicle (GSLV).
- Iran—Surface-to-Surface Missile Project, Scud Development Project.
- Korea, North—No Dong I, Scud Development Project.
- Pakistan—Half Series Missiles.

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PART 774—[AMENDED]

6. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3 (Electronics Design, Development and Production) is amended by:

- a. Removing ECCN 3A202;
- b. Adding a newly created ECCN 3A292, to be placed after ECCN 3A233 on the CCL;
- c. Revising the Heading and the License Requirement section of ECCN 3E001 and the Heading of 3E201;
- d. Adding a newly created ECCN 3E292, to be placed after ECCN 3E201, to read as follows:

Category 3—Electronics Design, Development and Production

A. Equipment, Assemblies and Components

* * * * *

3A292 Oscilloscopes and transient recorders other than those controlled by 3A002.a.5, and specially designed components therefor

License Requirements

Reason for Control: NP, AT

<i>Control(s)</i>	<i>Country Chart</i>
NP applies to entire entry.	NP Column 2
AT applies to entire entry.	AT Column 1

License Exceptions

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Unit: Number

Related Controls: N/A

Related Definitions: (a) Specially designed components specified in this item are the following, for analog oscilloscopes:

1. Plug-in units;
2. External amplifiers;
3. Pre-amplifiers;
4. Sampling devices;
5. Cathode ray tubes.

(b) For the purpose this entry, "Bandwidth" is defined as the band of frequencies over which the deflection on the cathode ray tube does not fall below 70.7% of that at the maximum point measured with a constant input voltage to the oscilloscope amplifier.

Items

- a. Non-modular analog oscilloscopes having a bandwidth of 1 GHz or greater;
- b. Modular analog oscilloscope systems having either of the following characteristics:
 1. A mainframe with a bandwidth of 1 GHz or greater; or
 2. Plug-in modules with an individual bandwidth of 4 GHz or greater;
- c. Analog sampling oscilloscopes for the analysis of recurring phenomena with an effective bandwidth greater than 4 GHz;
- d. Digital oscilloscopes and transient recorders using analog-to-digital conversion techniques, capable of storing transients by

sequentially sampling one-shot input signals at successive intervals of less than 1 ns (greater than 1 giga-sample per second), digitizing to 8 bits or greater resolution, and storing 256 or more samples.

* * * * *

3E001 "Technology" according to the General Technology Note for the "development" or "production" of items controlled by 3A (except 3A292, 3A980, 3A981, and 3A992 to 3A994), 3B (except 3B991) or 3C

License Requirements

Reason for Control: NS, MT, NP, AT

<i>Control(s)</i>	<i>Country Chart</i>
NS applies to "technology" for items controlled by 3A001, 3A002, 3B001 to 3B008 or 3C001 to 3C004.	NS Column 1
MT applies to "technology" for equipment controlled by 3A001 or 3A101 for MT reasons.	MT Column 1
NP applies to "technology" for equipment controlled by 3A001, 3A201, 3A225 to 3A233 for NP reasons.	NP Column 1
AT applies to entire entry.	AT Column 1

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3E201 "Technology" according to the General Technology Note for the "use" of items controlled by 3A001.e.2, e.3, and e.5, 3A201, 3A225 to 3A233

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3E292 "Technology" according to the General Technology Note for the "development", "production", or "use" of items controlled by 3A292

License Requirements

Reason for Control: NP, AT

Control(s)	Country Chart
NP applies to entire entry.	NP Column 2
AT applies to entire entry.	AT Column 1

License Exceptions

CIV: N/A

TSR: N/A

List of Items Controlled

Unit: N/A

Related Controls: N/A

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

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Dated: July 29, 1997.

Iain S. Baird,

Acting Assistant Secretary for Export Administration.

[FR Doc. 97-20415 Filed 8-4-97; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

Indirect Food Additives: Polymers

CFR Correction

In title 21 of the Code of Federal Regulations, parts 170 to 199, revised as of April 1, 1997, on page 263, in § 177.1520 in the table in paragraph (b) in the entry for "Polymethylsilsesquioxane" the CAS number should read "68554-70-1".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 89F-0176]

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 disodium 4-isodecyl sulfosuccinate as an emulsifier in the production of food-contact polymers.

This action responds to a petition filed by American Cyanamid Co.

DATES: The regulation is effective August 5, 1997; written objections and request for a hearing by September 4, 1997.

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

FOR FURTHER INFORMATION CONTACT: Richard H. White, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3094.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 13, 1989 (54 FR 25174), FDA announced that a food additive petition (FAP 9B4122) had been filed by American Cyanamid Co., One Cyanamid Plaza, Wayne, NJ 07470 (currently Cytec Industries Inc., c/o Keller and Heckman, 1001 G St. NW., Washington, DC 20001). The petition proposed to amend the food additive regulations in § 175.105 *Adhesives* (21 CFR 175.105) and § 178.3400 *Emulsifiers and/or surface active agents* (21 CFR 178.3400) to provide for the safe use of disodium 4-isodecyl sulfosuccinate as a component of adhesives and as an emulsifier in the production of food-contact polymers. The petitioner later requested that the agency proceed with a decision regarding the regulation of the additive for use only as a component of adhesives in food-contact materials. The agency published a final rule in the **Federal Register** of April 20, 1993 (58 FR 21257) amending § 175.105 to provide for the use of disodium 4-isodecyl sulfosuccinate as a component of adhesives. In that final rule, the agency stated that its decision regarding

the petitioned use of the additive as an emulsifier in the production of food-contact polymers would be addressed in a future **Federal Register** document. The agency is addressing that decision in this final rule.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the subject additive as an emulsifier in the production of food-contact polymeric coatings is safe, that the additive will have the intended technical effect, and that therefore, § 178.3400 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 § 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 September 4, 1997, 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