

has been previously approved in any other application filed under section 512(b)(1) of the act.

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.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. New § 522.147 is added to read as follows:

**§ 522.147 Atipamezole hydrochloride.**

(a) *Specifications.* Each milliliter of sterile injectable solution contains 5.0 milligrams of atipamezole hydrochloride.

(b) *Sponsor.* See No. 000069 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs—(1) Amount.* Inject intramuscularly the same volume as that of medetomidine used.

(2) *Indications for use.* To reverse clinical effects of the sedative and analgesic agent medetomidine hydrochloride.

(3) *Limitations.* For intramuscular use only. Not recommended for use in pregnant or lactating animals, or animals intended for breeding. Atipamezole has not been evaluated in breeding animals. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: September 4, 1996.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 96-23758 Filed 9-16-96; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR parts 1309, 1310 and 1313**

[DEA No. 138F]

**Removal of Exemption for Certain Pseudoephedrine Products Marketed Under the Food, Drug, and Cosmetic Act (FD&C Act); Correction**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to the final regulations which were published on Wednesday, August 7, 1996 (61 FR 40981). The regulations related to the removal of the exemption for certain pseudoephedrine products marketed under the Food, Drug, and Cosmetic Act (FD&C Act).

**EFFECTIVE DATE:** October 7, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Frank Sapienza, Acting Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307-7183.

**SUPPLEMENTARY INFORMATION:** The final regulations that are the subject of these corrections remove the exemption for certain pseudoephedrine products marketed under the Food, Drug, and Cosmetic Act (FD&C Act). The regulations amend Title 21, Code of Federal Regulations, to revise certain sections in Parts 1309, 1310 and 1313.

The final rule (61 FR 40981) added a new section designated as "Section 1309.28". This new section should have been designated as "Section 1309.29". Therefore, in each instance where the final rule refers to the wording "Section 1309.28", the reader should substitute the wording "Section 1309.29".

Accordingly, the publication on August 7, 1996 of the final regulation (61 FR 40981) is corrected as follows:

**PART 1309—[CORRECTED]**

**§ 1309.02 [Corrected]**

1. On page 40989 in the second column § 1309.02(f) is corrected by removing "§ 1309.28" and adding "§ 1309.29" in its place.

**§ 1309.29 [Corrected]**

2. On page 40989, in the third column, amendatory instruction 3 is corrected to read as follows: "Section 1309.29 is added to read as follows:"

3. On page 40989, in the third column, the number and heading under amendatory instruction 3 are corrected to read as follows:

"§ 1309.29 Exemption of retail distributors of certain pseudoephedrine products."

**PART 1310—[CORRECTED]**

**§ 1310.04 [Corrected]**

4. On page 40990, § 1310.04, is corrected by removing § 1309.28" and adding "§ 1309.29" in its place.

Dated: September 9, 1996.

Stephen H. Greene,

Deputy Administrator, Drug Enforcement Administration.

[FR Doc. 96-23556 Filed 9-16-96; 8:45 am]

BILLING CODE 4410-09-M

**DEPARTMENT OF STATE**

**22 CFR Parts 120, 123, and 128**

[Public Notice 2408]

**Bureau of Political-Military Affairs; Amendments to the International Traffic in Arms Regulations**

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the International Traffic in Arms Regulations (ITAR) to correct a typographical error in the definition of "technical data;" eliminate the requirement of reporting subsequent exports of unclassified technical data; and clarify authority and use the current names of any office, bureau, or titles of officers that have changed since 1990.

**EFFECTIVE DATE:** September 17, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Philips S. Rhoads, Chief, Compliance and Enforcement Branch, Office of Defense Controls, Bureau of Political-Military Affairs, Department of State (703 875-6650).

**SUPPLEMENTARY INFORMATION:** Federal Register Public Notice No. 1179, dated March 29, 1990, announced that the Office of Munitions Control had changed its name to the Office of Defense Trade Controls. (55 FR 11714.) Part 128 of the International Traffic in Arms Regulations (ITAR) is being amended to reflect the current name of the Office of Defense Trade Controls. Other amendments reflect the name change of the Bureau of Politico-Military Affairs to its current name, the Bureau of Political-Military Affairs. Additionally, references to the "Under Secretary of State for Security Assistance, Science and Technology" are being amended to the current title of the "Under Secretary of State for Arms Control and International Security Affairs." Furthermore, cross references to other sections in the ITAR are being

amended for accuracy. The delivery address for the Office of Defense Trade Controls was added to part 128.

These amendments involve a foreign affairs function of the United States. They are exempt from review under Executive Order 12866 but have been reviewed internally by the Department to ensure consistency with the purposes thereof. They are also not subject to 5 U.S.C. 553 and 554., and do not require analysis under the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

List of Subjects

22 CFR Part 120

Arms and munitions, Exports, Technical assistance.

22 CFR Part 123

Arms and munitions, Exports, Technical assistance.

22 CFR Part 128

Arms and munitions, Exports.

Accordingly, for the reasons set forth in the preamble, 22 CFR chapter I, subchapter M, is amended as follows:

**PART 120—PURPOSE AND DEFINITIONS**

1. The authority citation for part 120 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); E.O. 11958, 42 FR 4311, 3 CFR, 1977 Comp. p. 79; 22 U.S.C. 2658.

2. Section 120.10(a)(1) is revised to read as follows:

**§ 120.10 Technical data.**

(a) \* \* \*

(1) Information, other than software as defined in § 120.10(4), which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation.

\* \* \* \* \*

**PART 123—LICENSES FOR THE EXPORT OF DEFENSE ARTICLES**

1. The authority citation for part 123 continues to read as follows:

Authority: Secs. 2 and 38, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778); E.O. 11958, 42 FR 4311, 3 CFR 1977 Comp. 79; 22 U.S.C. 2658.

2. Section 123.22(d) is revised to read as follows:

**§ 123.22 Filing of export licenses and Shipper's Export Declarations with District Directors of Customs.**

\* \* \* \* \*

(d) A Shipper's Export Declaration is not required for exports of unclassified technical data. Exporters shall notify the Office of Defense Trade Controls of the initial export of the data by either returning the license after self endorsement or by sending a letter to the Office of Defense Trade Controls. The letter shall provide the method, date, license number and airway bill number (if applicable) of the shipment. The letter must be signed by an empowered official of the company and provided to the Office of Defense Trade Controls within thirty days of the initial export.

\* \* \* \* \*

**PART 128—ADMINISTRATIVE PROCEDURES**

1. The authority citation for 22 part 128 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); E.O. 11958, 42 FR 4311; 22 U.S.C. 2658; E.O. 12291, 46 FR 1981.

2. Section 128.1 is revised to read as follows:

**§ 128.1 Exclusion of functions from the Administrative Procedure Act.**

The Arms Export Control Act authorizes the President to control the import and export of defense articles and services in furtherance of world peace and the security and foreign policy of the United States. It authorizes the Secretary of State to make decisions on whether license applications or other written requests for approval shall be granted, or whether exemptions may be used. It also authorizes the Secretary of State to revoke, suspend or amend licenses or other written approvals whenever the Secretary deems such action to be advisable. The administration of the Arms Export Control Act is a foreign affairs function encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act and is thereby expressly exempt from various provisions of that Act. Because the exercising of the foreign affairs function, including the decisions required to implement the Arms Export Control Act, is highly discretionary, it is excluded from review under the Administrative Procedure Act.

3. Section 128.2 is revised to read as follows:

**§ 128.2 Administrative Law Judge**

The Administrative Law Judge referred to in this part is an Administrative Law Judge appointed by the Department of State or of the Department of Commerce, as provided in 15 CFR 788.2. The Administrative Law Judge is authorized to exercise the powers and perform the duties provided for in §§ 127.7, 127.8, and 128.3 through 128.16 of this subchapter.

4. Section 128.3 is revised to read as follows:

**§ 128.3 Institution of Administrative Proceedings.**

(a) *Charging letters.* The Director, Office of Defense Trade Controls, with the concurrence of the Office of the Legal Adviser, Department of State, may initiate proceedings to impose debarment or civil penalties in accordance with § 127.7 or § 127.10 of this subchapter respectively. Administrative proceedings shall be initiated by means of a charging letter. The charging letter will state the essential facts constituting the alleged violation and refer to the regulatory or other provisions involved. It will give notice to the respondent to answer the charges within 30 days, as provided in § 128.5(a), and indicate that a failure to answer will be taken as an admission of the truth of the charges. It will inform the respondent that he or she is entitled to an oral hearing if a written demand for one is filed with the answer or within seven (7) days after service of the answer. The respondent will also be informed that he or she may, if so desired, be represented by counsel of his or her choosing. Charging letters may be amended from time to time, upon reasonable notice.

(b) *Service.* A charging letter is served upon a respondent:

(1) If the respondent is a resident of the United States, when it is mailed postage prepaid in a wrapper addressed to the respondent at that person's last known address; or when left with the respondent or the agent or employee of the respondent; or when left at the respondent's dwelling with some person of suitable age and discretion then residing herein; or

(2) If the respondent is a non-resident of the United States, when served upon the respondent by any of the foregoing means. If such methods of service are not practicable or appropriate, the charging letter may be tendered for service on the respondent to an official of the government of the country wherein the respondent resides, provided that there is an agreement or understanding between the United States Government and the government

of the country wherein the respondent resident permitting this action.

5. Section 128.4 is revised to read as follows:

**§ 128.4 Default.**

(a) *Failure to answer.* If the respondent fails to answer the charging letter, the respondent may be held in default. The case shall then be referred to the Administrative Law Judge for consideration in a manner as the Administrative Law Judge may consider appropriate. Any order issued shall have the same effect as an order issued following the disposition of contested charges.

(b) *Petition to set aside defaults.* Upon showing good cause, any respondent against whom a default order has been issued may apply to set aside the default and vacate the order entered thereon. The petition shall be submitted to duplicate to the Assistant Secretary for Political-Military Affairs, U.S. Department of State, 2201 C Street, NW., Washington, DC 20520. The Director will refer the petition to the Administrative Law Judge for consideration and a recommendation. The Administrative law Judge will consider the application and may order a hearing and require the respondent to submit further evidence in support of his or her petition. The filing of a petition to set aside a default does not in any manner affect an order entered upon default and such order continues in full force and effect unless a further order is made modifying or terminating it.

6. In § 128.5 paragraphs (b) and (c) are revised to read as follows:

**§ 128.5 Answer and demand for oral hearing.**

\* \* \* \* \*

(b) *Contents of answer.* An answer must be responsive to the charging letter. It must fully set forth the nature of the respondent's defense or defenses. In the answer, the respondent must admit or deny specifically each separate allegation of the charging letter, unless the respondent is without knowledge, in which case the respondent's answer shall so state and the statement shall operate as denial. Failure to deny or controvert any particular allegation will be deemed an admission thereof. The answer may set forth such additional or new matter as the respondent believes support a defense or claim of mitigation. Any defense or partial defense not specifically set forth in an answer shall be deemed waived. Evidence offered thereon by the respondent at a hearing may be refused except upon good cause being shown. If the respondent does not

demand an oral hearing, he or she shall transmit, within seven (7) days after the service of his or her answer, original or photocopies of all correspondence, papers, records, affidavits, and other documentary or written evidence having any bearing upon or connection with the matters in issue. If any such materials are in language other than English, translations into English shall be submitted at the same time.

(c) *Submission of answer.* The answer, written demand for oral hearing (if any) and supporting evidence required by § 128.5(b) shall be in duplicate and mailed or delivered to the Office of Administrative Law Judge, United States Department of Commerce, Room H-6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230. A copy shall be simultaneously mailed to the Director, Office of Defense Trade Controls, SA-6, Room 200, Department of State, Washington, DC 20522-0602, or delivered to the 21st street entrance of the Department of State, 2201 C Street, NW., Washington, DC addressed to Director, Office of Defense Trade Controls, SA-6, Room 200, Department of State, Washington, DC 20522-0602.

7. Section 128.6 is revised to read as follows:

**§ 128.6 Discovery.**

(a) *Discovery by the respondent.* The respondent, through the Administrative Law Judge, may request from the Office of Defense Trade Controls any relevant information, not privileged, that may be necessary or helpful in preparing a defense. The Office of Defense Trade Controls may provide any relevant information, not privileged, that may be necessary or helpful in preparing a defense. The Office of Defense Trade Controls may supply summaries in place or original documents and may withhold information from discovery if the interests of national security or foreign policy so require, or if necessary to comply with any statute, executive order or regulation requiring that the information may not be disclosed. The respondent may request the Administrative Law Judge to request any relevant information, books, records, or other evidence, from any other person or government agency so long as the request is reasonable in scope and not unduly burdensome.

(b) *Discovery by the Office of Defense Trade Controls.* The Office of Defense Trade Controls or the Administrative Law Judge may request from the respondent admissions of facts, answers to interrogatories, the production of books, records, or other relevant evidence, so long as the request is

relevant and material, reasonable in scope, and not unduly burdensome.

(c) *Subpoenas.* At the request of any party, the Administrative Law Judge may issue subpoenas, returnable before him, requiring the attendance of witnesses and the production of books, records, and other documentary or physical evidence determined by the Administrative Law Judge to be relevant and material to the proceedings, reasonable in scope, and not unduly burdensome.

(d) *Enforcement of discovery rights.* If the Office of Defense Trade Controls fails to provide the respondent with information in its possession which is not otherwise available and which is necessary to the respondent's defense, the Administrative Law Judge may dismiss the charges on her or his own motion or on a motion of the respondent. If the respondent fails to respond with reasonable diligence to the requests for discovery by the Office of Defense Trade Controls or the Administrative Law Judge, on her or his own motion or motion of the Office of Defense Trade Controls, and upon such notice to the respondent as the Administrative Law Judge may direct, may strike respondent's answer and declare the respondent in default, or make any other ruling which the Administrative Law Judge deems necessary and just under the circumstances. If a third party fails to respond to the request for information, the Administrative Law Judge shall consider whether the evidence sought is necessary to a fair hearing, and if it is so necessary that a fair hearing may not be held without it, the Administrative Law Judge shall dismiss the charges.

8. Section 128.7 is revised to read as follows:

**§ 128.7 Prehearing conference.**

(a)(1) The Administrative Law Judge may, upon his own motion or upon motion of any party, request the parties or their counsel to a prehearing conference to consider:

- (i) Simplification of issues;
- (ii) The necessity of desirability of amendments to pleadings;
- (iii) Obtaining stipulations of fact and of documents to avoid unnecessary proof; or
- (iv) Such other matter as may expedite the disposition of the proceeding.

(2) The Administrative Law Judge will prepare a summary of the action agreed upon or taken at the conference, and will incorporate therein any written stipulations or agreements made by the parties.

(3) The conference proceedings may be recorded magnetically or taken by a reporter and transcribed, and filed with the Administrative Law Judge.

(b) If a conference is impracticable, the Administrative Law Judge may request the parties to correspond with the person to achieve the purposes of a conference. The Administrative Law Judge shall prepare a summary of action taken as in the case of a conference.

9. Section 128.8 is revised to read as follows:

**§ 128.8 Hearings.**

(a) A respondent who had not filed a timely written answer is not entitled to a hearing, and the case may be considered by the Administrative Law Judge as provided in § 128.4(a). If any answer is filed, but no oral hearing demanded, the Administrative Law Judge may proceed to consider the case upon the written pleadings and evidence available. The Administrative Law Judge may provide for the making of the record in such manner as the Administrative Law Judge deems appropriate. If respondent answers and demands an oral hearing, the Administrative Law Judge, upon due notice, shall set the case for hearing, unless a respondent has raised in his answer no issues of material fact to be determined. If respondent fails to appear at a scheduled hearing, the hearing nevertheless may proceed in respondent's absence. The respondent's failure to appear will not affect the validity of the hearing or any proceedings or action thereafter.

(b) The Administrative Law Judge may administer oaths and affirmations. Respondent may be represented by counsel. Unless otherwise agreed by the parties and the Administrative Law Judge the proceeding will be taken by a reporter or by magnetic recording, transcribed, and filed with the Administrative Law Judge. Respondent may examine the transcript and may obtain a copy upon payment of proper costs.

10. Section 128.9 is revised to read as follows:

**§ 128.9 Proceedings before and report of Administrative Law Judge.**

(a) The Administrative Law Judge may conform any part of the proceedings before him or her to the Federal Rules of Civil Procedure. The record may be made available in any other administrative or other proceeding involving the same respondent.

(b) The Administrative Law Judge, after considering the record, will prepare a written report. The report will include findings of fact, findings of law,

a finding whether a law or regulation has been violated, and the Administrative Law Judge's recommendations. It shall be transmitted to the Assistant Secretary for Political-Military Affairs, Department of State.

11. Section 128.10 is revised to read as follows:

**§ 128.10 Disposition of proceedings.**

Where the evidence is not sufficient to support the charges, the Director, Office of Defense Trade Controls or the Administrative Law Judge will dismiss the charges. Where the Administrative Law Judge finds that a violation has been committed, the Administrative Law Judge's recommendation shall be advisory only. The Assistant Secretary for Political-Military Affairs will review the record, consider the report of the Administrative Law Judge, and make an appropriate disposition of the case. The Director may issue an order debarbing the respondent from participating in the export of defense articles or technical data or the furnishing of defense services as provided in § 127.7 of this subchapter, impose a civil penalty as provided in § 127.10 of this subchapter or take such action as the Administrative Law Judge deems appropriate. Any debarment order will be effective for the period of time specified therein and may contain such additional terms and conditions as are deemed appropriate. A copy of the order together with a copy of the Administrative Law Judge's report will be served upon the respondent.

12. Section 128.11 is revised to read as follows:

**§ 128.11 Consent agreements.**

(a) The Office of Defense Trade Controls and the respondent may, by agreement, submit to the Administrative Law Judge a proposal for the issuance of a consent order. The Administrative Law Judge will review the facts of the case and the proposal and may conduct conferences with the parties and may require the presentation of evidence in the case. If the Administrative Law Judge does not approve the proposal, the Administrative Law Judge will notify the parties and the case will proceed as though no consent proposal had been made. If the proposal is approved, the Administrative Law Judge will report the facts of the case along with recommendations to the Assistant Secretary for Political-Military Affairs. If the Assistant Secretary for Political-Military Affairs does not approve the proposal, the case will proceed as though no consent proposal had been made. If the Assistant Secretary for

Political-Military Affairs approves the proposal, an appropriate order may be issued.

(b) Cases may also be settled prior to service of a charging letter. In such an event, a proposed charging letter shall be prepared, and a consent agreement and order shall be submitted for the approval and signature of the Assistant Secretary for Political-Military Affairs, and no action by the Administrative Law Judge shall be required. Cases which are settled may not be reopened or appealed.

13. Section 128.12 is revised to read as follows:

**§ 128.12 Rehearings.**

The Administrative Law Judge may grant a rehearing or reopen a proceeding at any time for the purpose of hearing any relevant and material evidence which was not known or obtainable at the time of the original hearing. A report for rehearing or reopening must contain a summary of such evidence, and must explain the reasons why it could not have been presented at the original hearing. The Administrative Law Judge will inform the parties of any further hearing, and will conduct such hearing and submit a report and recommendations in the same manner as provided for the original proceeding (Described in § 128.10).

14. In § 128.13 paragraphs (a), (c), (e), and (f) are revised to read as follows:

**§ 128.13 Appeals.**

(a) *Filing of appeals.* An appeal must be in writing, and be addressed to and filed with the Under Secretary of State for Arms Control and International Security Affairs, Department of State, Washington, DC 20520. An appeal from a final order denying export privileges or imposing civil penalties must be filed within 30 days after receipt of a copy of the order. If the Under Secretary cannot for any reason act on the appeal, he or she may designate another Department of State official to receive and act on the appeal.

\* \* \* \* \*

(c) *Matters considered on appeal.* An appeal will be considered upon the basis of the assembled record. This record consists of (but is not limited to) the charging letter, the respondent's answer, the transcript or magnetic recording of the hearing before the Administrative Law Judge, the report of the Administrative Law Judge, the order of the Assistant Secretary for Political-Military Affairs, and any other relevant documents involved in the proceedings before the Administrative Law Judge. The Under Secretary of State for Arms Control and International Security

Affairs may direct a rehearing and reopening before the Administrative Law Judge if he or she finds that the record is insufficient or that new evidence is relevant and material to the issues and was not known and was not available to the respondent at the time of the original hearings.

\* \* \* \* \*

(e) *Preparation of appeals.*—(1) *General requirements.* An appeal shall be in letter form. The appeal and accompanying material should be filed in duplicate, unless otherwise indicated, and a copy simultaneously mailed to the Director, Office of Defense Trade Controls, SA-6, Room 200, Department of State, Washington, DC 20522-0620 or delivered to the 21st street entrance of the Department of State, 2201 C Street, NW., Washington, DC addressed to Director, Office of Defense Trade Controls, SA-6, Room 200, Department of State, Washington, DC 20522-0602.

(2) *Oral presentation.* The Under Secretary of State for Arms Control and International Security Affairs may grant the appellant an opportunity for oral argument and will set the time and place for oral argument and will notify the parties, ordinarily at least 10 days before the date set.

(f) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied in whole or in part, or dismissed at the request of the appellant. The decision of the Under Secretary of State for Arms Control and International Security Affairs will be final.

15. Section 128.14 is revised to read as follows:

**§ 128.14 Confidentiality of proceedings.**

Proceedings under this part are confidential. The documents referred to in § 128.17 are not, however, deemed to be confidential. Reports of the Administrative Law Judge and copies of transcripts or recordings of hearings will be available to parties and, to the extent of their own testimony, to witnesses. All records are available to any U.S. Government agency showing a proper interest therein.

16. Section 128.15 is revised to read as follows:

**§ 128.15 Orders containing probationary periods.**

(a) *Revocation of probationary periods.* A debarment or interim suspension order may set a probationary period during which the order may be held in abeyance for all or part of the debarment or suspension period, subject to the conditions stated therein. The

Director, Office of Defense Trade Controls, may apply without notice to any person to be affected thereby, to the Administrative Law Judge for an order revoking probation when it appears that the conditions of the probation have been breached. The facts in support of the application will be presented to the Administrative Law Judge, who will report thereon and make a recommendation to the Assistant Secretary for Political-Military Affairs. The latter will make a determination whether to revoke probation and will issue an appropriate order.

(b) *Hearings.*—(1) *Objections upon notice.* Any person affected by an application upon notice to revoke probation, within the time specified in the notice, may file objections with the Administrative Law Judge.

(2) *Objections to order without notice.* Any person adversely affected by an order revoking probation, without notice may request that the order be set aside by filing his objections thereto with the Administrative Law Judge. The request will not stay the effective date of the order or revocation.

(3) *Requirements for filing objections.* Objections filed with the Administrative Law Judge must be submitted in writing and in duplicate. A copy must be simultaneously submitted to the Office of Defense Trade Controls. Denials and admissions, as well as any mitigating circumstances, which the person affected intends to present must be set forth in or accompany the letter of objection and must be supported by evidence. A request for an oral hearing may be made at the time of filing objections.

(4) *Determination.* The application and objections thereto will be referred to the Administrative Law Judge. An oral hearing if requested, will be conducted at an early convenient date, unless the objections filed raise no issues of material fact to be determined. The Administrative Law Judge will report the facts and make a recommendation to the Assistant Secretary for Political-Military Affairs, who will determine whether the application should be granted or denied and will issue an appropriate order. A copy of the order and of the Administrative Law Judge's report will be furnished to any person affected thereby.

(5) *Effect of revocation on other actions.* The revocation of a probationary period will not preclude any other action concerning a further violation, even where revocation is based on the further violation.

17. Section 128.16 is revised to read as follows:

**§ 128.16 Extension of time.**

The Administrative Law Judge, for good cause shown, may extend the time within which to prepare and submit an answer to a charging letter or to perform any other act required by this part.

Dated: August 27, 1996.

Lynn E. Davis,

*Under Secretary for Arms Control and International Security Affairs, Department of State.*

[FR Doc. 96-23659 Filed 9-16-96; 8:45 am]

BILLING CODE 4710-25-M

---

**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Part 203**

RIN 1010-AC13

**Royalty Relief for Producing Leases and Certain Existing Leases in Deep Water**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Extension of comment period for interim rule.

**SUMMARY:** This document extends to October 30, 1996, the deadline for the submission of comments on the interim rule governing royalty relief for producing leases and certain existing leases in deep water that was published May 31, 1996.

**DATES:** MMS will consider all comments we receive by October 30, 1996. We will begin reviewing comments at that time and may not fully consider comments we receive after October 30, 1996.

**ADDRESSES:** Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 20170-4817; Attention: Chief, Engineering and Standards Division.

**FOR FURTHER INFORMATION CONTACT:** Dr. Marshall Rose, Economic Evaluation Branch, telephone (703) 787-1536.

**SUPPLEMENTARY INFORMATION:** The MMS has been asked to extend the deadline for respondents to submit comments to the interim regulations governing royalty relief on producing and certain existing leases in deep water that were published May 31, 1996 (61 FR 27263). More time is needed to allow respondents time to work on certain aspects and problem areas of the interim rule and guidelines for royalty relief for existing deep water leases.