

Issued in Kansas City, Missouri, on January 22, 1997.

Henry A. Armstrong,  
Acting Manager, Small Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 97-2216 Filed 1-31-97; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Part 744

[Docket No. 961205341-6341-01]

RIN 0694-AB24

#### Entity List

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

**ACTION:** Final rule.

**SUMMARY:** The Export Administration Regulations (EAR) provide that the Bureau of Export Administration (BXA) may inform exporters, individually or through amendment to the EAR, that a license is required for exports or reexports to certain entities. To provide notice informing the public of an entity subject to this rule, this rule establishes a list of entities that are ineligible to receive specified items without a license.

**EFFECTIVE DATE:** This rule is effective February 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** James A. Lewis, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482-0092.

#### SUPPLEMENTARY INFORMATION:

##### Background

General Prohibition Five (§ 736.2(b)(5) of the EAR) prohibits exports to certain end-users or end-uses without a license. This final rule amends § 744.1 to refer exporters to the newly added Supplement No. 4 to part 744 of the EAR, the Entity List, which informs exporters that a license is required for shipments to Ben Gurion University, Israel, of computers with a CTP between 2,000 and 7,000 Mtops.

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.

#### 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.*). These collections have been approved by the Office of Management and Budget under control number 0694-0088.

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 final 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 requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

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 Hillary Hess, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

#### List of Subjects in 15 CFR Part 744

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730-774) is amended, as follows:

#### PART 744—[AMENDED]

1. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *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, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026 (November 15, 1996, 61 FR 58767); Notice of August 15, 1995 (60 FR 42767, August 17, 1995); and Notice of August 14, 1996 (61 FR 42527).

2. Section 744.1 is amended by adding paragraph (c) to read as follows:

#### § 744.1 General provisions.

\* \* \* \* \*

(c) A list of entities is included in Supplement No. 4 to this part 744 of the EAR (Entity List). Exporters are hereby informed that these entities are ineligible to receive any items subject to the EAR without a license to the extent specified in the supplement. License applications will be reviewed under the license review standards set forth in this part 744.

3. A new Supplement No. 4 is added to part 744 to read as follows:

#### Supplement No. 4 to Part 744—Entity List

This Supplement lists certain entities subject to license requirements for specified items under this part 744 of the EAR. This list of entities is revised and updated on a periodic basis in this Supplement by adding new or amended notifications and deleting notifications no longer in effect.

Ben Gurion University, Israel for computers between 2,000 and 7,000 Mtops

Dated: January 28, 1997.

Sue E. Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 97-2503 Filed 1-31-97; 8:45 am]

BILLING CODE 3510-33-P

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1507

#### Fireworks Devices; Fuse Burn Time; Final Rule

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Affirmation of final rule and announcement of effective date.

**SUMMARY:** The Commission announces that it has received no objections to its final rule amending its fireworks regulations under the Federal Hazardous Substances Act that was published on December 20, 1996. 61 FR 67197. This final rule changes the allowable fuse burn times of fireworks devices (except firecrackers) from the previously required range of 3 to 6 seconds to the range of 3 to 9 seconds.

**EFFECTIVE DATE:** The rule becomes effective on February 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Robert Poth, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207-0001; telephone (301) 504-0400, ext. 1375.

**SUPPLEMENTARY INFORMATION:** On December 20, 1996, the Commission

issued a final rule amending its fireworks regulations under the Federal Hazardous Substances Act. 61 FR 67197. This final rule changes the allowable fuse burn times of fireworks devices (except firecrackers) from the previously required range of 3 to 6 seconds to the range of 3 to 9 seconds. Increasing the range will improve safety by allowing manufacturers to more consistently produce fireworks that do not have dangerously short fuse burn times of below 3 seconds. Further, the increase in the maximum allowable fuse burn time to 9 seconds will not create any additional risk of injury to consumers.

The procedures established under section 701(e) of the Food, Drug, and Cosmetic Act ("FDCA") apply to this rulemaking. 15 U.S.C. 1261(q)(2). These procedures provide that, once the Commission issues a final rule, persons who would be adversely affected by the rule have 30 days in which to file objections with the Commission stating the grounds therefor, and to request a public hearing on those objections. 21 U.S.C. 371(e). Here, this 30-day period for objections expired on January 21, 1996.

The Commission is required to publish a notice in the Federal Register specifying any parts of the regulation that have been stayed by the filing of proper objections or, if no objections have been filed, stating that fact. By this notice, the Commission states that no objections to the final rule were filed in this proceeding. Accordingly, the rule will go into effect on February 3, 1997, the date this notice is published in the Federal Register.

Dated: January 28, 1997.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 97-2488 Filed 1-31-97; 8:45 am]

BILLING CODE 6355-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-300450; FRL-5584-5]

RIN 2070-AB78

### Carboxin; Pesticide Tolerances for Emergency Exemptions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a time-limited tolerance for combined

residues of the fungicide carboxin in or on the raw agricultural commodity onion seed in connection with EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of carboxin on onion seed in California and New Jersey. This regulation establishes a maximum permissible level for residues of carboxin in this food pursuant to section 408(l)(6) of the Federal Food, Drug and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. This tolerance will expire and be revoked automatically without further action by EPA on January 17, 1998.

**DATES:** This regulation becomes effective February 3, 1997. This regulation expires and is revoked automatically without further action by EPA on January 17, 1998. Objections and requests for hearings must be received by EPA on April 4, 1997.

**ADDRESSES:** Written objections and hearing requests, identified by the docket number, [OPP-300450], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket number, [OPP-300450], should be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** By mail: Stephen Schaible, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308-8337, e-mail: schaible.stephen@epamail.epa.gov. **SUPPLEMENTARY INFORMATION:** EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a tolerance for residues of the fungicide carboxin, 5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide in or on onions (dry bulb) at 0.2 part per million (ppm). This tolerance will expire and be revoked automatically without further action by EPA on January 17, 1998.

### I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities were discussed in detail in the final rule establishing a tolerance for an emergency exemption for use of propiconazole on sorghum (61 FR 58135, Nov. 13, 1996).

New section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...." Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of