9B01A Specially designed equipment, tooling or fixtures, as follows, for
manufacturing or measuring gas turbine
blades, vanes or tip shroud castings.

Requirements
Validated License Required: QSTVWYZ.
Unit: $ value.
Reason for Control: NS and MT (see Note).
GLV: $5,000.
CCT: Yes, except MT (see Note).
CFW: No.

Note: MT controls apply to equipment for
test, inspection, and production of small
lightweight turbine engines described in
9A21.

9B06A Specially designed acoustic vibration
test equipment capable of producing sound
pressure levels of 160 dB or more
(referenced to 20 micropascals) with a
rated output of 4 kW or more at a test
cell temperature exceeding 1273 K (1000
C), and specially designed transducers,
strain gauges, accelerometers,
thermocouples, or quartz beakers
therefor.

Requirements
Validated License Required: QSTVWYZ.
Unit: Number.
Reason for Control: NS and MT (see Note).
GLV: $3,000.
CCT: Yes, except MT (see Note).
CFW: No.

Note: MT controls apply to vibration
test equipment.

9B26B Other vibration test equipment, as
follows:

Requirements
Validated License Required: QSTVWYZ.
Unit: $ value.
Reason for Control: MT and NP (see Note).
GLV: $3,000.
CCT: No.
CFW: No.

Note: Nuclear non-proliferation controls
apply to 9B26.b only.

0A18A Items on the International Munitions
List.

Requirements
Validated License Required: QSTVWYZ.
Unit: 0A18.a through .c: $ value; 0A18.d
through .f: Number.
Reason for Control: NS and FP (see Notes).
GLV: 0A18.a and .b: $5,000; 0A18.c: $3,000;
0A18.d through .f: $1,500.
CCT: No.
CFW: No.

Notes: 1. FP controls apply to all exports to
South Africa of items controlled by 0A18.b, c.
d. and .e (see Supplement No. 2 to Part 779 of
this subchapter).

2. FP controls for regional stability also
apply to 0A18.c, except to NATO, Japan,
Australia, and New Zealand.

3. License for export to Iran and Syria will
generally be denied.

4. In Supplement No. 1 to § 799.1 (the
Commerce Control List), Category 9—
Propulsion Systems and Transportation
Equipment, entry 9B07 is amended by
revising the Requirements section, by
removing the List of Items Controlled
heading, and by revising the note to
read as follows:

9B07A Equipment specially designed for
inspecting the integrity of rocket motors
using non-destructive test (NDT)
techniques other than planar X-ray or
basic physical or chemical analysis.

Requirements
Validated License Required: QSTVWYZ.
Unit: Number.
Reason for Control: NS and MT (see Note).
GLV: $0.
CCT: Yes, except MT (see Note).
CFW: No.

Note: MT controls include the following
equipment covered by this item: Radiographic
equipment capable of delivering
electromagnetic radiation produced by
“bremsstrahlung” from accelerated electrons
of 2 Me V greater, except those specially
designed for medical purposes.


James M. LeMunyon,
Acting Assistant Secretary for Export
Administration.

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 456

Ophthalmic Practice Rules

AGENCY: Federal Trade Commission.

ACTION: Final Trade regulation rule.

SUMMARY: The Federal Trade
Commission has decided to remove
portions of 16 CFR part 456, Ophthalmic
Practice Rules, from the Code of Federal
Regulations and to renumber the
remaining portions of part 456. The
portions to be removed prohibit state
bans on the commercial practice of
ophthalmology and have been overturned
by the U.S. Court of Appeals, D.C. Circuit.
The remaining portions, to be
renumbered, require optometrists and
ophthalmologists to release eyeglass
prescriptions. These portions were not
overturned by the court and remain in
effect.

EFFECTIVE DATE: May 1, 1992.

FOR FURTHER INFORMATION CONTACT:
Renee Kinscheck, Division of Service
industry Practices, Federal Trade
Commission, 6th Street and
Pennsylvania Avenue NW, Washington
DC (202) 329–3283.

SUPPLEMENTARY INFORMATION: On
March 13, 1989, the Federal Trade
Commission issued a Trade Regulation
Rule on Ophthalmic Practice Rules. 54
FR 10285. In large part, this rule would
have removed state prohibitions on the
commercial practice of optometry (the
"Eyeglasses II" Rule). The Commission
also promulgated several amendments
to the previously existing Ophthalmic
Practice Rules (the "Eyeglasses I" rule),
which requires optometrists and
ophthalmologists to release eyeglass
prescriptions to their patients. On
August 28, 1990, the Court of Appeals for
the D.C. Circuit vacated the Eyeglasses
II rule, which would have removed state
bans on commercial practice. California
State Board of Optometry v. FTC, 910
F.2d 976 (D.C. Cir. 1990), reh’g denied.
January 8, 1991. The court did not
overturn the Commission’s amendments
to the Eyeglasses I prescription release
rule, a rule which had previously been
upheld by the court. American
Ophthalmic Association v. FTC, 626
F.2d 697 (D.C. Cir. 1980).

The Commission has amended the
rule by removing the following sections
of 16 CFR part 456: § 456.1(g) & (i),
§ 456.4, § 456.5(a), (b) and (d); and by
redesignating § 456.1(h) and § 456.5(c)
and 456.1(g) and 456.4 respectively.

Accordingly, 16 CFR part 456 is
revised to read as follows:

PART 456—OPHTHALMIC PRACTICE
RULES

Sec.
456.1 Definitions.
456.2 Separation of examination and
dispensing.
456.3 Federal or State employees.
456.4 Declaration of Commission Intent.

§ 456.1 Definitions.
(a) A patient is any person who has
had an eye examination.
(b) An eye examination is the process
of determining the refractive condition
of a person’s eyes or the presence of any
visual anomaly by the use of objective
or subjective tests.
(c) Ophthalmic goods are eyeglasses,
or any component of eyeglasses, and
contact lenses.
(d) Ophthalmic services are the
measuring, fitting, and adjusting of
ophthalmic goods subsequent to an eye
examination.
(e) An ophthalmologist is any Doctor
of Medicine or Osteopathy who
performs eye examinations.
(f) An **optometrist** is any Doctor of Optometry.

(g) A **prescription** is the written specifications for lenses for eyeglasses which are derived from an eye examination, including all of the information specified by state law, if any, necessary to obtain lenses for eyeglasses.

§ 456.2 Separation of examination and dispensing.

It is an unfair act or practice for an ophthalmologist or optometrist to:

(a) Fail to provide to the patient one copy of the patient’s prescription immediately after the eye examination is completed. Provided: An ophthalmologist or optometrist may refuse to give the patient a copy of the patient’s prescription until the patient has paid for the eye examination, but only if that ophthalmologist or optometrist would have required immediate payment from that patient had the examination revealed that no ophthalmic goods were required;

(b) Condition the availability of an eye examination to any person on a requirement that the patient agree to purchase any ophthalmic goods from the ophthalmologist or optometrist;

(c) Charge the patient any fee in addition to the ophthalmologist’s or optometrist’s examination fee as a condition to releasing the prescription to the patient. Provided: An ophthalmologist or optometrist may charge an additional fee for verifying ophthalmic goods dispensed by another seller when the additional fee is imposed at the time the verification is performed; or

(d) Place on the prescription, or require the patient to sign, or deliver to the patient a form or notice waiving or refusing to give the patient a copy of the patient’s prescription as a condition to releasing the prescription to the patient.

§ 456.3 Federal or State employees.

This rule does not apply to ophthalmologists or optometrists employed by any Federal, State or local government entity.

§ 456.4 Declaration of Commission Intent.

In prohibiting the use of waivers and disclaimers of liability in § 456.2(d), it is not the Commission’s intent to impose liability on an ophthalmologist or optometrist for the ophthalmic goods and services dispensed by another seller pursuant to the ophthalmologist’s or optometrist’s prescription.

Donald S. Clark, Secretary.

(FR Doc. 92-9947 Filed 4-30-92; 8:45 am)

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Issuance of Written Notices

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to the issuance of written notices concerning failure to file patent information and to comply with requirements pertaining to current good manufacturing practices and labeling for new drugs, new animal drugs, and feeds bearing or containing new animal drugs from the Commissioner of Food and Drugs to certain FDA officials. This action is being taken to make the process of issuing written notices more efficient.

EFFECTIVE DATE: May 1, 1992.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is amending the delegations of authority by adding new § 5.38 issuance of written notices concerning patent information, current good manufacturing practices and false or misleading labeling of new drugs, new animal drugs, and feeds bearing or containing new animal drugs.

(a) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the act) regarding the issuance of written notices.

(1) The Director and Deputy Director, Center for Drug Evaluation and Research (CDER).

(2) The Director and Deputy Director, Office of Compliance, CDER.

(3) The Director and Deputy Director, Division of Drug Labeling Compliance, Office of Compliance, CDER.

(4) The Director and Deputy Director, Division of Manufacturing and Product Quality, Office of Compliance, CDER.

(5) The Director and Deputy Director, Division of Drug Quality Evaluation, Office of Compliance, CDER.