GCT: No.
GFW: No.

Notes: Marine water tube boilers require validated licensing only for QSWYZ, PRC, Iran, Syria, and Afghanistan.

* * * * *

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, MT (see Note).
GLV: $5,000.
GCT: Yes, except MT (see Note).
GFW: 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 heaters therefor.

Requirements

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

Note: Missile technology 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.
GCT: No.
GFW: No.

Note: Nuclear non-proliferation controls apply to 9B26.a 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.
GCT: No.
GFW: 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.

* * * * *

3. 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.
GCT: Yes, except MT (see Note).
GFW: 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.

* * * * *

Dated: April 22, 1992.

James M. LeMunyon,

Acting Assistant Secretary for Export Administration.

[FR Doc. 92-9849 Filed 4-30-92; 8:45 am]

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 optometry 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) 326-3283.

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 Optometric Association* v. *FTC*, 626 F.2d 897 (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

Authority: 15 U.S.C. 57a; 5 U.S.C. 552.

§ 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 disclaiming the liability or responsibility of the ophthalmologist or optometrist for the accuracy of the eye examination or the accuracy of the ophthalmic goods and services dispensed by another seller.

§ 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.

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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. Under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(e)), § 5.38 redelegates the Commissioner's authority regarding the issuance of written notices to the Director, Deputy Director, and other officials of the Center for Drug Evaluation and Research. Under sections 512(e) and 512 (m)(4)(B)(ii) and (m)(4)(B)(iii) of the act (21 U.S.C. 360b(e) and 360b (m)(4)(B)(ii) and (m)(4)(B)(iii)), the Commissioner's authority regarding the issuance of written notices is redelegated to the Director, Deputy Director, and other officials of the Center for Veterinary Medicine. These redelegations will make the process of issuing written notices more efficient.

Further redelegation of the authority is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

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 is revised 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; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701-1706; 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u-300u-5, 300aa-1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591.

2. New § 5.38 is added to subpart B to read as follows:

§ 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.