

device to accord to the foreign purchaser's specifications, not be in conflict with the laws of the foreign country to which the device is being exported, be labeled on the outside of the shipping package that the device is intended for export, and not be sold or offered for sale in domestic commerce).

The only regulation pertaining to exports of unapproved devices for investigational use is at 21 CFR 812.18(b). The provision, which was originally written decades ago, simply stated that, "A person exporting an investigational device subject to this part shall obtain FDA's prior approval as required by section 801(d) of the act." However, since the provision was written, Congress has amended the act twice; under the Drug Export Amendments Act of 1986, section 801(d) of the act was renumbered to become section 801(e) of the act, and the Export Act of 1996 established section 802 of the act as an alternative export mechanism for unapproved devices for investigational use. Consequently, FDA is amending § 812.18(b) to state that, "A person exporting an investigational device subject to this part shall obtain FDA's prior approval as required by section 801(e) of the act or shall comply with the applicable export requirements in section 802 of the act." This amendment reflects the correct paragraph in section 801 of the act that applies to investigational device exports as well as the export mechanisms in section 802 of the act.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)). Notice and public procedure are unnecessary because FDA is merely correcting a statutory reference.

#### List of Subjects in 21 CFR Part 812

Health records, Medical devices, Medical research, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 812 is amended as follows:

#### PART 812—INVESTIGATIONAL DEVICE EXEMPTIONS

1. The authority citation for 21 CFR part 812 is revised to read as follows:

**Authority:** Secs. 301, 501, 502, 503, 505, 506, 507, 510, 513–516, 518–520, 701, 702, 704, 721, 801, 802, 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331, 351, 352, 353, 355, 356, 357, 360, 360c–360f, 360h–360j, 371, 372, 374, 379e, 381, 382, 383); secs. 215, 301, 351, 354–360F of the

Public Health Service Act (42 U.S.C. 216, 241, 262, 263b–263n).

2. Section 812.18 is amended by revising paragraph (b) to read as follows:

#### § 812.18 Import and export requirements.

\* \* \* \* \*

(b) *Exports.* A person exporting an investigational device subject to this part shall obtain FDA's prior approval, as required by section 801(e) of the act or comply with section 802 of the act.

Dated: May 6, 1997.

**William K. Hubbard,**

*Associate Commissioner for Policy Coordination.*

[FR Doc. 97–12524 Filed 5–12–97; 8:45 am]

BILLING CODE 4160–01–F

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

#### 33 CFR Part 100

[CCGD11–97–003]

RIN 2115–AE46

#### Special Local Regulations: California Cup

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation.

**SUMMARY:** This notice implements 33 CFR 100.1101, "Southern California Marine Events," for the 1997 California Cup Race. This event consists of a sailboat race with approximately 250 participants. These regulations will be effective in the portion of Santa Monica Bay off Santa Monica, California described in Table 1 to 33 CFR 100.1101. Implementation of section 33 CFR 11.1101 is necessary to control vessel traffic in the regulated area during the race to ensure the safety of participants and spectators.

**DATES:** The regulations in 33 CFR 100.1101 are effective from 2 p.m. until 5 p.m. on 23 May 1997, and from 11 a.m. until 5 p.m. on 24 and 25 May 1997, unless cancelled earlier by the Patrol Commander.

**FOR FURTHER INFORMATION CONTACT:** QMC D.K. LARSON, U.S. Coast Guard Marine Safety Office/Group Los Angeles/Long Beach, 165 N. Pico Avenue, Long Beach, California 90802; Tel: (310) 980–4442.

**SUPPLEMENTARY INFORMATION:** The California Cup is scheduled to occur on 23, 24 and 25 May 1997. These Special Local Regulations permit Coast Guard control of vessel traffic in order to ensure the safety of spectator and participant vessels. In accordance with

the regulations in 33 CFR 100.1101, persons and vessels shall not anchor in or loiter in the regulated area, or impede the transit of participant or official patrol vessels, unless authorized by the Coast Guard Patrol Commander.

Dated: May 5, 1997.

**R.T. Rufe, Jr.,**

*Vice Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District, Alameda, California.*

[FR Doc. 97–12485 Filed 5–12–97; 8:45 am]

BILLING CODE 4910–14–M

#### DEPARTMENT OF DEFENSE

##### Corps of Engineers, Department of the Army

#### 33 CFR Part 325

##### Processing of Department of the Army Permits

**AGENCY:** Army Corps of Engineers, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Corps is making several minor editorial changes to its permit regulations to reflect a change in the title of a Division Office in the National Ocean Service (NOS), National Oceanic and Atmospheric Administration and the Agency's change of address. This amendment is necessary because Corps regulations require notification of the NOS by Corps Districts and permittees under certain circumstances.

**EFFECTIVE DATE:** May 13, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Eppard, HQUSACE, Regulatory Branch, CECW–OR at (202) 761–1783.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in sections 9 and 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act, the Corps issued regulations for the Regulatory Program in 33 CFR 320–330. In § 325.2(a)(9) (i) and (iii) and § 325.3(d)(2)(ii), and Appendix A–Permit Form and Special Conditions, a reference is made to the Charting and Geodetic Services, N/CG222, National Ocean Service, NOAA, Rockville, Maryland 20852. The correct identity and address for that Agency has changed and is now the National Ocean Service, Office of Coast Survey, N/CS261, 1315 East West Highway, Silver Spring, Maryland 20910–3282.

No other changes are being made to the permit regulations.

#### Procedural Requirements:

a. *Review Under Executive Order 12866*

The amendments contained in this rule are editorial and only reflect