

Code	Paragraph	Action
Scales .....	UR.3.9. ....	Amended.
<b>2001 Amendments</b>		
General .....	G-S.1.1. .... G.S.1.(g) G.S.1.(c)	Added.
Scales .....	Table S.6.3.a. .... Table S.6.3.a. .... S.6.4. .... N.1.3.4.(a) .....	Amended Column Headings. Added footnote 1. Amended. Amended.
Automatic Bulk Weighing Systems .....	U.R.1.1. ....	Removed "and enforceable" for consistency with other nonretroactive statements.

**List of Subjects in 7 CFR Part 802**

Administrative practice and procedure, Export, Grain, Incorporation by reference, Reporting and recordkeeping requirements.

■ For reasons set out in the preamble, accordingly, 7 CFR part 802 is amended as follows:

**PART 802—OFFICIAL PERFORMANCE AND PROCEDURAL REQUIREMENTS FOR GRAIN WEIGHING EQUIPMENT AND RELATED GRAIN HANDLING SYSTEMS**

■ 1. The authority citation for part 802 continues to read as follows:

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

■ 2. Section 802.0 is revised to read as follows:

**§ 802.0 Applicability.**

(a) The requirements set forth in this part 802 describe certain specifications, tolerances, and other technical requirements for grain weighing equipment and related grain handling systems used in performing Class X and Class Y weighing services, official inspection services, and commercial services under the Act. All scales used for official grain weight and inspection certification services provided by FGIS shall meet applicable requirements contained in the FGIS Weighing Handbook, the General Code, the Scales Code, the Automatic Bulk Weighing Systems Code, and the Weights Code of the 2002 edition of National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" (Handbook 44); and NIST Handbook 105-1 (1990 Edition), "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures," (Handbook 105-1). These requirements are confirmed to be met by having National Type Evaluation Program or Federal

Grain Inspection Service type approval. Scales used for commercial purposes will be required to meet only the applicable requirements of the 2002 edition of the NIST Handbook 44. Pursuant to the provisions of 5 U.S.C. 552(a), with the exception of the Handbook 44 requirements listed in paragraph (b) of this section, the materials in Handbooks 44 and 105-1 are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the **Federal Register**. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The NIST Handbooks are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20403. They can be downloaded without charge at <http://ts.nist.gov/ts/htdocs/230/235owmhome.htm>. They are also available for inspection at the Office of the Federal Register, 800 North Capital, Street, NW., Suite 700, Washington, DC.

(b) The following Handbook 44 requirements are not incorporated by reference:

*Scales (2.20)*

- S.1.8. Computing Scales
- S.1.8.2. Money-Value Computation
- S.1.8.3. Customer's Indications
- S.1.8.4. Recorded Representations, Point of Sale
- S.2.5.2. Jeweler's, Prescription, & Class I & II Scales
- S.3.3. Scoop Counterbalance
- N.1.3.2. Dairy-Product Test Scales
- N.1.5. Discrimination Test (Not adopted for Grain Test Scales only)
- N.1.8. Material Tests
- N.3.1.2. Interim Approval
- N.3.1.3. Enforcement Action For Inaccuracy
- N.4. Coupled-in-Motion Railroad Weighing Systems
- N.6. Nominal Capacity of Prescription Scales
- T.1.2. Postal and Parcel Post Scales

- T.2.3. Prescription Scales
- T.2.4. Jewelers' Scales (all sections)
- T.2.5. Dairy—Product-Test Scales (all sections)
- T.N.3.9. Materials Test on Customer-Operated Bulk-Weighing Systems for Recycled Materials
- UR.1.4. Grain Test Scales: Value of Scale Divisions
- UR.3.1. Recommended Minimum Load
- UR.3.1.1. Minimum Load, Grain Dockage

*Automatic Bulk Weighing Systems (2.22)*

- N.1.3. Decreasing-Load Test
- Dated: June 4, 2003.

**JoAnn Waterfield,**  
*Acting Administrator.*

[FR Doc. 03-14553 Filed 6-9-03; 8:45 am]

**BILLING CODE 3410-EN-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 95**

[Docket No. 30371; Amdt. No. 442]

**IFR Altitudes; Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** 0901 UTC, July 10, 2003.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

**The Rule**

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational

efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

**Conclusion**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 95**

Airspace Navigation (air).  
Issued in Washington, DC on June 5, 2003.  
**James J. Ballough,**  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, July 10, 2003.

■ 1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

**REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS**

[Amendment 442, Effective date, July 10, 2003]

From	To	MEA	MAA
<b>§ 95.5000 High Altitude RNAV Routes</b>			
§ 95.5001 RNAV Route No. Q1 is added to read			
ELMAA, WA FIX ..... #GNSS REQUIRED #DME/DME RNAV NA	POINT REYES, CA VORTAC .....	#18000	45000
<b>§ 95.5003 RNAV Route No. Q3 is added to read</b>			
FEPOT, WA WP ..... #GNSS REQUIRED #DME/DME RNAV NA	POINT REYES, CA VORTAC .....	#18000	45000
<b>§ 95.5005 RNAV Route No. Q5 is added to read</b>			
HAROB, WA WP ..... #GNSS REQUIRED #DME/DME RNAV NA	STIKM CA WP .....	#18000	45000
<b>§ 95.5007 RNAV Route No. Q7 is added to read</b>			
JINMO, WA WP ..... #GNSS REQUIRED #DME/DME RNAV NA	AVENAL, CA VORTAC .....	#18000	45000
<b>§ 95.5009 RNAV Route No. Q9 is added to read</b>			
SUMMA, WA FIX ..... #GNSS REQUIRED #DME/DME RNAV NA	DERBB, CA FIX .....	#18000	45000
<b>§ 95.5011 RNAV Route No. Q11 is added to read</b>			
PAAGE, WA WP .....	LOS ANGELES, CA VORTAC .....	#18000	45000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 442, Effective date, July 10, 2003]

From	To	MEA	MAA
#GNSS REQUIRED #DME/DME RNAV NA			
<b>§ 95.5013 RNAV Route No. Q13 is added to read</b>			
PAWLI, OR WP ..... #GNSS REQUIRED #DME/DME RNAV NA	LIDAT, NV FIX .....	#18000	45000
<b>§ 95.5501 RNAV Route No. Q501 is added to read</b>			
SOBME, SD WP ..... #GNSS REQUIRED #DME/DME RNAV NA	GOPHER, MN VORTAC .....	#18000	45000
GOPHER, MN VORTAC ..... #GNSS REQUIRED #DME/DME RNAV NA #Excludes the Portion within Canada	VIXIS, CANADA FIX .....	#18000	45000
<b>§ 95.5502 RNAV Route No. Q502 is added to read</b>			
SOBME, SD WP ..... #GNSS REQUIRED #DME/DME RNAV NA	GOPHER, MN VORTAC .....	#18000	45000
GOPHER, MN VORTAC ..... #GNSS REQUIRED #DME/DME RNAV NA #Excludes the Portion within Canada	KENPA, CANADA FIX .....	#18000	45000
<b>§ 95.5504 RNAV Route No. Q504 is added to read</b>			
HEMDI, SD WP ..... #GNSS REQUIRED #DME/DME RNAV NA #Excludes the Portion within Canada	NOTAP, CANADA WP .....	#18000	45000
<b>§ 95.5505 RNAV Route No. Q505 is added to read</b>			
HEMDI, SD WP ..... #GNSS REQUIRED #DME/DME RNAV NA #Excludes the Portion within Canada	OMAGA, CANADA FIX .....	#18000	45000
From	To	MEA	

**§ 95.6001 Victor Routes—U.S.**

§ 95.6003 VOR Federal Airway 3 Is Amended To Read in Part

Brunswick, GA VORTAC ..... *11,000—MRA **2,200—MOCA	*Broun, GA FIX .....	**3,000
Broun, GA FIX ..... *3,800—MRA **2,200—MOCA	*Harps, GA FIX .....	**3,000
Harps, GA FIX ..... *2,200—MOCA	Keler, GA FIX .....	*3,000
Keler, GA FIX ..... *1,900—MOCA	Savannah, GA VORTAC .....	*3,000

**§ 95.6033 VOR Federal Airway 33 is Amended To Read in Part**

Bradford, PA VOR/DME ..... *4800—MOCA	Vairs, NY FIX .....	*10,000
Vairs, NY FIX ..... *4000—MOCA	Buffalo, NY VOR/DME .....	*5,000

**§ 95.6037 VOR Federal Airway 37 is Amended To Read in Part**

Brunswick, GA VORTAC ..... *11,000—MRA **2,200—MOCA	*Broun, GA FIX .....	**3,000
Broun, GA FIX .....	*Harps, GA FIX .....	**3,000

From	To	MEA
*3,800—MRA **2,200—MOCA Harps, GA FIX .....	Keler, GA FIX .....	*3,000
*2,200—MOCA Keler, GA FIX .....	Savannah, GA VORTAC .....	*3,000
*1,900—MOCA Savannah, GA VORTAC .....	Allendale, SC VOR .....	*4,000
*1,500—MOCA		

**§ 95.6154 VOR Federal Airway 154 is Amended To Read in Part**

Ocone, GA FIX .....	Savannah, GA VORTAC .....	*3,000
*1,800—MOCA		

**§ 95.6185 VOR Federal Airway 185 is Amended To Read in Part**

Savannah, GA VORTAC .....	*Spong, GA FIX .....	**3,000
*5,000—MRA **2,200—MOCA Spong, GA FIX .....	Colliers, SC VORTAC .....	*3,000
*2,200—MOCA		

**§ 95.6298 VOR Federal Airway 298 is Amended To Read in Part**

Chang, WY FIX .....	Gillette, WY VOR/DME .....	7,200
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**§ 95.6437 VOR Federal Airway 437 is Amended To Read in Part**

Ormond Beach, FL VORTAC .....	*Jetso, FL FIX .....	**3,000
*3,500—MRA **1,300—MOCA Jetso, FL FIX .....	Hotar, FL FIX .....	*5,000
*1,200—MOCA Hotar, FL FIX .....	Stary, GA FIX .....	*8,000
*1,200—MOCA Stary, GA FIX .....	Savannah, GA VORTAC .....	*3,000
*1,900—MOCA		

**§ 95.6441 VOR Federal Airway 441 is Amended To Read in Part**

Stary, GA FIX .....	Savannah, GA VORTAC .....	*3,000
*1,900—MOCA		

**§ 95.6578 VOR Federal Airway 578 is Amended To Read in Part**

Alma, GA VORTAC .....	Savannah, GA VORTAC .....	*6,000
*2,600—MOCA		

From	To	MEA	MAA
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**§ 95.7001 Jet Routes**

**§ 95.7002 Jet Route No. 2 Is Amended To Read in Part**

Lake Charles, LA VORTAC .....	Baton Rouge, LA VORTAC .....	18,000	45,000
Baton Rouge, LA VORTAC .....	Semmes, LA VORTAC .....	18,000	45,000

**§ 95.7138 Jet Route No. 138 Is Amended To Read in Part**

Lake Charles, LA VORTAC .....	Baton Rouge, LA VORTAC .....	18,000	45,000
Baton Rouge, LA VORTAC .....	Semmes, LA VORTAC .....	18,000	45,000

**§ 95.7590 Jet Route No. 590 Is Amended To Read in Part**

Lake Charles, LA VORTAC .....	Baton Rouge, LA VORTAC .....	18,000	45,000
Baton Rouge, LA VORTAC .....	Greene County, MS VORTAC .....	18,000	45,000

Airway Segment		Changeover Points	
From	To	Distance	From

**§ 95.8003 VOR Federal Airway Changeover Points Is Amended To Delete Changeover Point V-437**

Ormond Beach FL, VORTAC .....	Savannah, GA VORTAC .....	80	Ormond Beach.
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[FR Doc. 03-14586 Filed 6-9-03; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Parts 742, 745, and 774

[Docket No. 030523133-3133-01]

RIN 0694-AC70

#### Implementation of the Understandings Reached at the June 2002 Australia Group (AG) Plenary Meeting and the AG Intersessional Decision on Cross Flow Filtration Equipment—Chemical and Biological Weapons Controls in the Export Administration Regulations

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is publishing this final rule to describe the understandings reached at the June 2002 plenary meeting of the Australia Group (AG) and to amend the Export Administration Regulations (EAR), as needed, to implement these AG understandings. This final rule amends the licensing policy provisions in the EAR that apply to exports and reexports of items on the AG control list by clarifying several factors that are among those used to evaluate license applications for these AG-listed items and by identifying additional factors not previously listed in the EAR. In addition, this rule clarifies the circumstances under which BIS would deny license applications to export or reexport these AG-listed items. All of these changes are intended to ensure that the EAR provisions that apply to AG-listed items are consistent with the "Guidelines for Transfers of Sensitive Chemical or Biological Items," which were adopted at the June 2002 AG plenary meeting.

This rule also implements understandings reached at the June 2002 plenary meeting concerning AG controls on fermenters and toxins. The control threshold for AG-listed fermenters described on the Commerce Control List (CCL) is lowered from a capacity of 100 liters or greater to a capacity of 20 liters or greater. In addition, this rule adds eight new toxins to the list of AG-listed human and zoonotic pathogens and toxins described on the CCL.

In addition to the AG plenary meeting changes described above, this rule implements an AG intersessional decision concerning cross (tangential) flow filtration equipment.

The rule makes corrections in four CCL entries that contain AG-listed items. One entry, containing AG-listed genetic elements and genetically modified organisms, is amended to correct errors in the use of the terms "organism" and "microorganism." Another entry, containing AG-listed chemical manufacturing facilities and equipment, is amended to clarify the scope of that entry's controls on certain valves containing nickel and nickel alloys and on agitators for use in reaction vessels or reactors. Two other CCL entries are amended to clarify the license requirements that apply to technology for the "development" or "production" of AG-listed valves containing nickel and nickel alloys. In addition, the rule amends the AG-based licensing provisions in the EAR to identify certain CCL entries that were inadvertently omitted when BIS amended these provisions on previous occasions.

Finally, this rule updates the list of countries that are currently States Parties to the Chemical Weapons Convention (CWC) by adding six countries that recently became States Parties: Andorra, Guatemala, Palau, Saint Vincent and the Grenadines, Samoa, and Thailand.

**DATES:** This rule is effective June 10, 2003.

**ADDRESSES:** Written comments should be sent to Willard Fisher, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, Room 2705, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Douglas Brown, Office of Chemical and Biological Controls and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482-7900.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

##### *A. Revisions to the EAR Based on the June 2002 Plenary Meeting of the Australia Group*

The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement understandings reached at the annual plenary meeting of the Australia Group (AG) that was held in Paris on June 3-6, 2002. The Australia Group is a multilateral forum, consisting of 33 participating countries, that maintains export controls on a list of chemicals, biological agents, and related equipment and technology that could be used in a chemical or biological weapons program. The AG periodically

reviews items on its control list to enhance the effectiveness of participating governments' national controls and to achieve greater harmonization among these controls.

This rule implements two understandings reached at the June 2002 plenary meeting concerning AG controls on fermenters and toxins. The control threshold for AG-listed fermenters, described in ECCN 2B352.b on the Commerce Control List (CCL), is lowered from a capacity (*i.e.*, volume) of 100 liters or greater to a capacity of 20 liters or greater. In addition, this rule adds the following eight toxins to the list of AG-listed toxins described in ECCN 1C351.d on the CCL: (1) abrin, (2) cholera toxin, (3) diacetoxyscirpenol toxin, (4) T-2 toxin, (5) HT-2 toxin, (6) modeccin toxin, (7) volkensin toxin, and (8) viscum album lectin 1 (viscumin). These AG-listed toxins, along with all other items controlled by ECCN 1C351, require a license for export or reexport to all destinations, worldwide.

This rule makes conforming changes to the List of Items Controlled in ECCN 1C991 by revising ECCN 1C991.d to include medical products containing any of the eight toxins that were added to ECCN 1C351.d by this rule. In addition, this rule revises the Related Definitions paragraph in the List of Items Controlled by ECCN 1C991 by adding the AG definition of "vaccine," which was adopted at the June 2002 AG plenary meeting. For the purpose of ECCN 1C991, "vaccine" is defined as a medicinal (or veterinary) product in a pharmaceutical formulation, approved by the U.S. Food and Drug Administration or the U.S. Department of Agriculture to be marketed as a medical (or veterinary) product or for use in clinical trials, that is intended to stimulate a protective immunological response in humans or animals in order to prevent disease in those to whom or to which it is administered. ECCN 1C991.a is revised to conform with the AG definition of "vaccine" by clarifying the control language to indicate that 1C991.a controls vaccines against items controlled by ECCN 1C351, 1C352, 1C353, or 1C354.

This final rule also amends the EAR to ensure that the licensing policy provisions in the EAR that apply to AG-listed items are consistent with the "Guidelines for Transfers of Sensitive Chemical or Biological Items," which were adopted by the AG at the June 2002 plenary meeting. Specifically, this rule amends section 742.2(b)(2) of the EAR by clarifying several factors that are among those used to evaluate license applications to export or reexport these AG-listed items and by identifying