

impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the Federal Register.

#### Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

The number of requests for overtime services of a VS employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

#### Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

Accordingly, 9 CFR part 97 is amended as follows:

### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

1. The authority citation for part 97 continues to read as follows:

Authority: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 97.2 is amended by adding in the table, in alphabetical order, under New York and Vermont, the following entries to read as follows:

#### § 97.2 Administrative instructions prescribing commuted traveltime.

\* \* \* \* \*

#### COMMUTED TRAVELTIME ALLOWANCES [In hours]

Locations covered	Served from	Metropolitan area		
		Within	Outside	
[Add]				
*	*	*	*	*
New York:				
*	*	*	*	*
Champlain	Highgate, VT.	1		
*	*	*	*	*
Vermont:				
*	*	*	*	*
Highgate	.....	1		
*	*	*	*	*

Done in Washington, DC, this 12th day of November 1996.

A. Strating,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-29477 Filed 11-15-96; 8:45 am]

BILLING CODE 3410-34-P

### COMMODITY FUTURES TRADING COMMISSION

#### 17 CFR Part 3

#### Amendment to Interpretative Statement Regarding Statutory Disqualification From Registration

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Publication of Amended Interpretative Statement.

**SUMMARY:** The Commodity Futures Trading Commission has determined to amend its interpretation of the "for other good cause" standard contained in the Commission's Interpretative Statement With Respect to Section 8a(2) (C) and (E) and Section 8a(3) (J) and (M)

of the Commodity Exchange Act. The amendment revises the existing statement by clarifying that violation of a settlement agreement with a contract market, registered futures association or other self-regulatory organization to withdraw from registration and/or not to apply for registration constitutes "other good cause" for adverse registration action under Section 8a(3)(M) of the Commodity Exchange Act, 7 U.S.C. 12a(3)(M).

**EFFECTIVE DATE:** November 18, 1996.

**FOR FURTHER INFORMATION CONTACT:** Stephen Mihans, Senior Attorney, Division of Enforcement, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC. 20581. Telephone: (202) 418-5399.

**SUPPLEMENTARY INFORMATION:** The Commodity Futures Trading Commission ("Commission") has determined to amend its Interpretative Statement With Respect to Section 8a(2) (C) and (E) and Section 8a(3) (J) and (M) of the Commodity Exchange Act ("Interpretative Statement") by adding language clarifying that an applicant's violation of an explicit agreement, made in the context of a settlement with a contract market, registered futures association or other self-regulatory organization ("SRO"), to withdraw from registration and/or not to apply for registration constitutes "other good cause" for adverse registration action under section 8a(3)(M) of the Commodity Exchange Act, 7 U.S.C. 12a(3)(M).<sup>1</sup>

The Commission's Interpretative Statement, among other things, provides guidance on the scope and meaning of section 8a(3)(M), 7 U.S.C. 12a(3)(M), by identifying situations in which "other good cause" to affect a person's registration exists.<sup>2</sup> The Commission, by this release, amends the Interpretative Statement to describe an additional situation in which "other good cause" will be deemed to exist—namely, when a person, in a settlement with a contract market, registered futures association or other SRO, agrees to withdraw from and/or not to apply for Commission registration and then fails to withdraw from registration or applies for registration in violation of that agreement. Neither the existing

<sup>1</sup> The Interpretative Statement is printed as Appendix A following the Commission's part 3 (Registration) rules, 17 CFR part 3.

<sup>2</sup> It states, for example, that the Commission interprets paragraph (M) as authorizing the Commission to refuse to register a person if he or she is the subject of an administrative action brought by the Commission to revoke the person's existing registration, pending a final determination in that proceeding.

Interpretative Statement nor the statutory bases for adverse registration action set forth in Section 8a of the Act, 7 U.S.C. § 12a, establish a specific basis for denying or otherwise affecting registration in this situation. The Commission is publishing its amendment of the 8a(3)(M) Interpretative Statement to inform the public that failure to comply with an exchange or other SRO settlement agreement to withdraw from registration and/or not to apply for registration constitutes "other good cause" to deny or otherwise affect registration under Section 8a(3)(M).

#### List of Subjects in 17 CFR Part 3

Registration, Statutory disqualifications.

### PART 3—[AMENDED]

For the reasons set forth above, part 3 of title 17 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 3 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 4, 4a, 6, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, 23; 5 U.S.C. 552, 552b.

#### Appendix A to Part 3 [Amended]

2. Appendix A to part 3 is amended by adding a new paragraph after the paragraph which bears the heading "Section 8a(3)(M)," to read as follows:

\* \* \* \* \*

Similarly, the Commission interprets paragraph (M) to authorize the Commission to refuse to register, register conditionally or otherwise affect the registration of any person if such person has consented, in connection with an agreement of settlement with a contract market, a registered futures association, or any other self-regulatory organization, to comply with an undertaking to withdraw all forms of existing or pending registration and/or not to apply for registration with the National Futures Association or the Commission in any capacity. Such person's effort to violate his or her prior undertaking to withdraw from and/or not to apply for registration shall be considered to constitute "other good cause" under paragraph (M). The Commission believes that allowing such a person to be registered would be inappropriate and inconsistent with the intention of parties to the prior settlement agreement. The failure to withdraw or the attempt to register in the face of such an undertaking would indicate the lack of fair and honest dealing which the Commission believes constitutes "other good cause" for

denying, revoking or conditioning registration under the Act. The Commission also believes that allowing registration in such a situation would be inconsistent with both Section 8a(2)(A), which authorizes the Commission to refuse to register, to register conditionally, or to revoke, suspend or place restrictions upon the registration of any person if such person's prior registration has been suspended (and the period of such suspension has not expired) or has been revoked, and Section 8a(3)(J), which authorizes the Commission to refuse to register or to register conditionally any person if he or she is subject to an outstanding order denying, suspending, or expelling such person from membership in a contract market, a registered futures association, or any other self-regulatory organization.

Issued in Washington, D.C., on October 31, 1996.

Jean A. Webb,

Secretary to the Commission, Commodity Futures Trading Commission.

[FR Doc. 96-28842 Filed 11-15-96; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 176

[Docket No. 94F-0257]

#### Indirect Food Additives: Paper and Paperboard Components

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of the copolymer of the sodium salt of acrylic acid with polyethyleneglycol allyl ether in paper mill boilers. This action is in response to a petition filed by Betz Laboratories, Inc.

**DATES:** Effective November 18, 1996; written objections and requests for a hearing by December 18, 1996.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** John R. Bryce, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3023.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of August 19, 1994 (59 FR 42837), FDA announced that a food additive petition (FAP 4B4426) had been filed by Betz Laboratories, Inc., 4636 Somerton Rd., Trevose, PA 19053-6783. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of the copolymer of the sodium salt of acrylic acid with polyethyleneglycol allyl ether in paper mill boilers.

FDA has evaluated the data and information in the petition and other relevant material. The agency concludes that the proposed use of the additive as an anticorrosion agent in paper mill boilers is safe, that it will achieve its intended technical effect, and that the regulations in § 176.170 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. In the August 19, 1994, notice of filing, the agency announced that it was placing the petitioner's environmental assessment on public display and provided 30 days for comments on that assessment. FDA received no comments on the assessment. Based upon the information available, FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before December 18, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made