proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Gettysburg, SD to accommodate aircraft executing the GPS Runway 31 SIAP at Gettysburg Municipal Airport. Controlled airspace extending upward from 700 to 1,200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

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. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedure (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL SD E5 Gettysburg, SD [New]

Gettysburg Municipal Airport, SD
(Lat. 44°59′15″N, long. 99°57′12″W)
Pierre VORTAC
(Lat. 44°23′40″W, long. 100°09′46″W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Gettysburg Municipal Airport and within 4 miles each side of the 323 bearing from the airport extending from the 6.4-mile radius to 10 miles southeast and that airspace extending upward from 1,200 feet above the surface bounded on the west by V–71, on the north by V–344, on the east by V–561, and on the south by the 30.5 mile arc of the Pierre VORTAC, and that airspace east of the Gettysburg Municipal Airport bounded on the west by V–561, on the north by latitude 45°00′00″N, on the east by longitude 99°30′00″W, and thence south to V–263, and thence southwest to the 30.5-mile arc of the Pierre VORTAC.

* * * * *

Issued in Des Plaines, Illinois on November 26, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–31869 Filed 12–13–96; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 4

Interpretation Regarding Use of Electronic Media by Commodity Pool Operators and Commodity Trading Advisors

AGENCY: Commodity Futures Trading Commission.

ACTION: Delay of effective date of interpretation.

SUMMARY: On August 8, 1996, the Commodity Futures Trading Commission (''Commission'') issued an Interpretation Regarding Use of Electronic Media by Commodity Pool Operators and Commodity Trading Advisors, 61 FR 42146 (August 14, 1996). On October 15, 1996, the Commission extended the period for public comment until November 14, 1996, while delaying the effective date until December 16, 1996, 61 FR 54731 (October 22, 1996). The Commission has now determined to delay the effective date indefinitely. The Pilot Program for electronic filing of commodity pool operator and commodity trading advisor disclosure documents, which commenced on October 15, 1996, as originally provided, is not affected.

DATES: The effective date of the Interpretative Release referenced herein is delayed indefinitely.

FOR FURTHER INFORMATION CONTACT: Susan C. Ervin, Deputy Director/Chief Counsel, or Gary L. Goldsholle, Attorney/Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. Telephone number: (202) 418–5450. Facsimile number: (202) 418–5536. Electronic mail: tm@cftc.gov.

SUPPLEMENTARY INFORMATION: On August 8, 1996, the Commission issued an Interpretation Regarding Use of Electronic Media by Commodity Pool Operators and Commodity Trading Advisors (''Interpretative Release'' or ''Release''). The Interpretative Release was designed to provide commodity pool operators (''CPOs''), commodity trading advisors (''CTAs''), and associated persons (''AP'') thereof, with guidance concerning the application of the Commodity Exchange Act and regulations thereunder to activities involving electronic media. The Commission sought comment on all issues discussed in the release, and any related issues, and provided that the effective date of the Interpretative Release would be October 15, 1996 and that comments should be received on or before that date. On October 15, 1996, the Commission extended the comment period until November 14, 1996, and delayed the effective date until December 16, 1996.

The Commission has now determined to delay the effective date indefinitely to permit full review and consideration of the comments received and issues presented. As with the prior postponement, the Commission emphasizes that this does not affect the statutory and regulatory requirements applicable to persons acting as CPOs and CTAs by means of electronic media, who ''are subject to the same statutory and regulatory requirements under the Commission's regulatory framework as persons employing other modes of communication.'' 61 FR at 42150. The Commission also notes that the Commission staff letters and advisories cited in the Release, as stated therein, ''represent interpretations by the Commission's staff and do not

necessarily represent interpretations by the Commission.'' 61 FR at 42149 n. 24.

Finally, although the Commission is indefinitely delaying the effective date of the Interpretative Release, CPOs and CTAs may continue to rely on the positions stated therein as ''safe harbor'' positions to aid CTAs and CPOs making use of electronic media pending further statements of the Commission's views. Additionally, the Pilot Program for electronic filing of CPO and CTA disclosure documents, which commenced on October 15, 1996, as originally proposed, is not affected.

Issued in Washington, DC, on December 11, 1996, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 96–31928 Filed 12–13–96; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 90F–0195]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Curdlan

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 curdlan as a formulation aid, processing aid, stabilizer and thickener or texturizer in foods. This action is in response to a petition filed by Takeda Chemical Industries, Ltd.

DATES: The regulation is effective December 16, 1996. Submit written objections and requests for a hearing by January 15, 1997. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in 21 CFR 172.809(b), effective December 16, 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: Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3076.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 17, 1990 (55 FR 29106), FDA announced that a food additive petition (FAP 0A4200) had been filed by Takeda Chemical Industries, Ltd., c/o International Research and Development Corp. (now MPI Research), Mattawan, MI 49071, proposing that the food additive regulations be amended to provide for the safe use of β-1,3-glucan derived from *Alcaligenes faecalis* var. *myxogenes*. In the same notice, the agency also announced that the proposed common or usual name of the additive was curdlan.

The agency is accepting curdlan as the common or usual name of the additive. Based on the data in the petition and other relevant material, the agency reached the following conclusions: (1) Curdlan consists of a glucose polymer and a small amount of inorganic salts, mainly sodium chloride, (2) curdlan lacks specific toxicity and the producing organism, *Alcaligenes faecalis* var. *myxogenes*, is nonpathogenic and nontoxicogenic, and (3) there is a history of safe consumption of similar glucose polymers in food. Based on this information, the agency concludes that the proposed food use of curdlan is safe, that the additive will achieve its intended technical effect, and that therefore, the regulations in 21 CFR part 172 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. 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 January 15, 1997 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 and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 379e).

2. New § 172.809 is added to subpart I to read as follows:

§ 172.809 Curdlan.

Curdlan may be safely used in accordance with the following conditions:

(a) Curdlan is a high molecular weight polymer of glucose (β-1,3-glucan; CAS Reg. No. 54724–00–4) produced by pure culture fermentation from the nonpathogenic and nontoxicogenic bacterium *Alcaligenes faecalis* var. *myxogenes*.