

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-AGL-1." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedures.

**The Proposal**

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class D airspace area and remove the Class E2 airspace area at

Greater Rockford Airport, Rockford, IL. The Rockford ATCT is a continuous (24 hour a day) operation. The intent of this proposal is to amend the Class D airspace area's effective hours to coincide with the associated control tower's hours of operation, by changing the Class D airspace from part-time to full-time. The Class E2 airspace was previously needed to clarify when two-way radio communication with the ATCT was required and to provide adequate Class airspace for instrument approach procedures when the control tower is closed. The airspace is no longer needed since the ATCT is now a continuous operation; therefore, the intent is to remove the part-time Class E2 airspace. Aeronautical maps and charts would reflect the defined area which would enable pilots to circumnavigate the area or otherwise comply with IFR procedures. Class D and E airspace designations are published in Paragraphs 5000 and 6002, respectively, of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed 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).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

**PART 71—[Amended]**

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

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 5000 General*

\* \* \* \* \*

**AGL IL D Rockford, IL [Revised]**

Rockford, Greater Rockford Airport, IL

(Lat. 42°11'46"N, long. 89°05'38"W)

Greater Rockford ILS Localizer

(Lat. 42°12'36"N, long. 89°05'17"W)

GILMY LOM

(Lat. 42°06'52"N, long. 89°05'55"W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.4-mile radius of the Greater Rockford Airport and within 1.8 miles each side of the Greater Rockford Runway 36 ILS localizer course, extending south from the 4.4-mile radius to the GILMY LOM.

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*Paragraph 6002 Class E Airspace Areas Designated as a Surface Area for an Airport*

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**AGL IL E2 Rockford, IL [Removed]**

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Issued in Des Plaines, Illinois on April 17, 1995.

**Roger Wall,**

*Manager, Air Traffic Division.*

[FR Doc. 95-10774 Filed 5-1-95; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 173**

[Docket No. 90F-0344]

**Secondary Direct Food Additives Permitted in Food for Human Consumption; Polymaleic Acid and its Sodium Salt**

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

**ACTION:** Tentative final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its tentative decision to amend the food additive regulations to increase the

permitted use level of polymaleic acid and its sodium salt to control mineral scale during the production of beet and cane sugar juice and liquor. FDA is also announcing its tentative decision to amend the specifications for the additives and to revise the analytical method for measuring those specifications. This action is in response to a petition filed by Ciba-Geigy, Inc.

**DATES:** Written comments by July 17, 1995.

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

**FOR FURTHER INFORMATION CONTACT:** Vincent E. Zenger, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3105.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of November 28, 1990 (55 FR 49426), FDA announced that a food additive petition (FAP 0A4226) had been filed by Ciba-Geigy Inc., proposing that § 173.45 *Polymaleic acid and its sodium salt* (21 CFR 173.45) be amended to provide for the safe use of polymaleic acid and its sodium salt to control mineral scale during the production of beet and cane sugar juice and liquor at higher levels than the maximum currently permitted under the regulation.

The petition also contained information on a new manufacturing process for polymaleic acid and its sodium salt which results in a lower weight-average molecular weight for the additives and number-average molecular weight than those currently permitted. The molecular weight determinations were based on an improved analytical method.

FDA has evaluated data in the petition (FAP 0A4226) and other relevant material. The agency concludes that the proposed increase in the food additive use level is safe, and that the regulations should be amended as set forth below. The agency tentatively concludes that the molecular weight specifications for the additives should be amended to allow for the use of products manufactured by the new technique, and that the molecular weight determinations of the additives are to be based on the improved analytical method entitled "Determinations of Molecular Weight Distribution of Poly(Maleic) Acid" submitted by Ciba-Geigy, Inc., and dated March 17, 1992, which is incorporated by reference in amended § 173.45(a). This replaces the previous method with

the same title but different date that was incorporated by reference in the current § 173.45(a).

In the filing notice for the petition, the agency gave notice of the intent to increase the permitted use levels of polymaleic acid and its sodium salt but did not anticipate amending the allowed molecular weight range for the additives or the method for determining the molecular weight. The amended specifications are not intended to place new restrictions on the currently approved products, but to allow use of products manufactured by a new method and to take into account an improved method of molecular weight determination. Therefore, because the agency did not give notice of this change, it is publishing this document as a tentative final rule to allow interested parties an opportunity to comment on the amended product specifications.

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 21 CFR 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.

#### List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

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, Center for Food Safety and Applied Nutrition, it is proposed that 21 CFR part 173 is amended as follows:

#### PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

**Authority:** Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. Section 173.45 is amended by revising paragraphs (a) and (c) to read as follows:

#### § 173.45 Polymaleic acid and its sodium salt.

\* \* \* \* \*

(a) The additives have a weight-average molecular weight in the range of 540 to 850 and a number-average molecular weight in the range of 520 to 650, calculated as the acid. Molecular weights shall be determined by a method entitled "Determination of Molecular Weight Distribution of Poly(Maleic) Acid", dated March 17, 1992, produced by Ciba-Geigy, Seven Skyline Rd., Hathorne, NY 10532-2188, which is incorporated by reference. Copies are available from the Division of Product Policy, Center for Food Safety and Applied Nutrition (HFS-205), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

\* \* \* \* \*

(c) The additives are to be used so that the amount of either or both additives does not exceed 4 parts per million (calculated as the acid) by weight of the beet or cane sugar juice or liquor process stream.

Dated: April 19, 1995.

**Fred R. Shank,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 95-10646 Filed 5-1-95; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[PS-013-88]

RIN 1545-AL57

#### Certain Publicly Traded Partnerships Treated as Corporations

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains proposed regulations relating to the classification of certain publicly traded partnerships as corporations. These proposed regulations would provide guidance needed by taxpayers to comply with changes to the law made