

(ii) which has a net worth of \$1,000,000;

(7) An employee benefit plan subject to the Employee Retirement Income Security Act of 1974, or a foreign person performing a similar role or function and subject as such to foreign regulation, with total assets exceeding \$5,000,000 or whose investment decisions are made by a bank, trust company, insurance company, investment adviser subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1, *et seq.*), or a commodity trading advisor subject to regulation under the Commodity Exchange Act;

(8) A broker-dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*) or a foreign person performing a similar role or function subject as such to foreign regulation, acting on its own behalf: *provided, however*, that if such broker-dealer is a natural person or proprietorship, the broker-dealer must also meet the requirements of paragraphs (f)(6) or (f)(10) of this section;

(9) A futures commission merchant, floor brokers, or floor traders subject to regulation under the Commodity Exchange Act or a foreign person performing a similar role or function subject as such to foreign regulation; or

(10) Any natural person with total assets exceeding \$10,000,000.

\* \* \* \* \*

3. Section 1.65 is amended by redesignating paragraph (a)(3)(ii) as (a)(3)(iii) and adding new paragraph (a)(3)(ii) to read as follows:

**§ 1.65 Notice of bulk transfers and disclosure obligations to customers.**

- (a) \* \* \*
- (3) \* \* \*

(ii) As to customers for which the transferee futures commission merchant or introducing broker has clear evidence that such customer was at the time the account was opened by the transferring futures commission merchant or introducing broker, or is at the time the account is being transferred, a customer listed in § 1.55(f); or

\* \* \* \* \*

**PART 30—FOREIGN FUTURES OR FOREIGN OPTIONS TRANSACTIONS**

4. The authority citation for part 30 continues to read:

**Authority:** 7 U.S.C. 1a, 2, 4, 6, 6c and 12a, unless otherwise noted.

5. Section 30.6 is amended by revising paragraph (a) to read as follows:

**§ 30.6 Disclosure.**

(a) *Future commission merchants and introducing brokers.* Except as provided in § 1.65 of this chapter, no futures commission merchant, or in the case of an introduced account no introducing broker, may open a foreign futures or option account for a foreign futures or option customer, other than for a customer specified in § 1.55(f) of this chapter, unless the futures commission merchant or introducing broker first furnishes the customer with a separate written disclosure statement containing only the language set forth in § 1.55(b) of this chapter or as otherwise approved under § 155(c) of this chapter (except for nonsubstantive additions such as captions), which has been acknowledged in accordance with § 1.55 of this chapter: *Provided, however*, that the risk disclosure statement may be attached to other documents as the cover page or the first page of such documents and as the only material on such page.

\* \* \* \* \*

**PART 33—REGULATION OF DOMESTIC EXCHANGE-TRADED COMMODITY OPTION TRANSACTIONS**

6. The authority citation for part 33 continues to read:

**Authority:** 7 U.S.C. 1a, 2, 4, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 7b, 8, 9, 11, 12a, 12c, 13a, 13a-1, 13b, 19, and 21, unless otherwise noted.

7. Section 33.7 is amended by revising paragraph (a)(1) introductory text, to read as follows:

**§ 33.7 Disclosure.**

(a)(1) Except as provided in § 1.65 of this chapter, no futures commission merchant, or in the case of an introduced account no introducing broker, may open or cause the opening of a commodity option account for an option customer, other than for a customer specified in § 1.55(f) of this chapter, unless the futures commission merchant or introducing broker first:

\* \* \* \* \*

**PART 190—BANKRUPTCY**

8. The authority citation for Part 190 continues to read:

**Authority:** 7 U.S.C. 1a, 2, 4a, 6c, 6d, 6g, 7a, 12, 19, and 24, and 11 U.S.C. 362, 546, 548, 556 and 761-766, unless otherwise noted.

9. Section 190.10 is amended by revising paragraph (c)(1) to read as follows:

**§ 190.10 General.**

\* \* \* \* \*

(c) *Disclosure statement for non-cash margin.* (1) Except as provided in § 1.65 of this chapter, no commodity broker (other than a clearing organization) may accept property other than cash from or for the account of a customer, other than a customer specified in § 1.55(f) of this chapter, to margin, guarantee, or secure a commodity contract unless the commodity broker first furnishes the customer with the disclosure statement set forth in paragraph (c)(2) of this section in boldface print in at least 10 point type which may be provided as either a separate, written document or incorporated into the customer agreement, or with another statement approved under § 1.55(c) of this chapter and set forth in appendix A to § 1.55 which the Commission finds satisfies this requirement.

\* \* \* \* \*

Issued in Washington, DC on February 13, 1998 by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 98-4258 Filed 2-19-98; 8:45 am]

BILLING CODE 6351-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 177**

[Docket No. 96F-0477]

**Indirect Food Additives: Polymers**

**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 polyamide/polyether block copolymers prepared by reacting a copolymer of *omega*-laurolactam and adipic acid with poly(tetramethylene ether glycol) for use in the manufacture of rubber articles intended for repeated use in contact with food. This action responds to a petition filed by Elf Atochem North America, Inc.

**DATES:** The regulation is effective February 20, 1998. Submit written objections and request for a hearing by March 23, 1998.

**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:** Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS-

216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3086.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of December 12, 1996 (61 FR 65405), FDA announced that a food additive petition (FAP 7B4528) had been filed by Elf Atochem North America, Inc., 2000 Market St., Philadelphia, PA 19103-3222. The petition proposed to amend the food additive regulations in § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600) to provide for the safe use of polyamide/polyether block copolymers prepared by reacting a copolymer of *omega*-laurolactam and adipic acid with poly(tetramethylene ether glycol) for use in the manufacture of rubber articles intended for repeated use in contact with food.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and that therefore, (3) the regulations in § 177.2600 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 March 23, 1998, 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 177**

Food additives, Food packaging. 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, 21 CFR part 177 is amended as follows:

**PART 177—INDIRECT FOOD ADDITIVES: POLYMERS**

1. The authority citation for 21 CFR part 177 continues to read as follows:

**Authority:** 21 U.S.C. 321, 342, 348, 379e.

2. Section 177.2600 is amended in paragraph (c)(4)(i) by alphabetically adding a new entry to read as follows:

**§ 177.2600 Rubber articles intended for repeated use.**

\* \* \* \* \*

(c) \* \* \*

(4) \* \* \*

(i) \* \* \*

Polyamide/polyether block copolymers (CAS Reg. No. 77402-38-1 prepared by reacting a copolymer of *omega*-laurolactam and adipic acid with poly(tetramethylene ether glycol). The polyamide and polyether components are reacted in ratios such that the polyamide component constitutes a minimum of 30 weight-percent of total polymer units. The copolymers may be used in contact with foods of Types I, II, III, IV, V, VI, VII, VIII, and IX identified in Table 1 of § 176.170(c) of this chapter at temperatures not to exceed 150 °F except that those copolymers prepared with less than 50 weight-percent of polyamide are limited to use in contact with such foods at temperatures not to exceed 100 °F.

\* \* \* \* \*

Dated: February 6, 1998.

**L. Robert Lake,**

*Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.*

[FR Doc. 98-4310 Filed 2-19-98; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 573**

[Docket No. 96F-0410]

**Food Additives Permitted in Feed and Drinking Water of Animals; Sodium Stearate**

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additives regulations to provide for the safe use of sodium stearate as an anticaking agent in animal feeds. This action is in response to a food additive petition (animal use) filed by Betty J. Pendleton, Chesterfield, MO.

**DATES:** Effective February 20, 1998; written objections and requests for a hearing by March 23, 1998.

**ADDRESSES:** Submit written objections and requests for a hearing 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 P. Honstead, Center for Veterinary Medicine (HFV-222), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1728.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of December 6, 1996 (61 FR 64754), FDA announced that a food additive petition (animal use) (FAP 2236) had been filed by Betty J. Pendleton, 15505 Country Ridge Dr., Chesterfield, MO 63017. The petition proposed that the regulations in § 573.280 *Feed-grade calcium stearate* (21 CFR 573.280) be amended to provide for the safe use of sodium stearate as an anticaking agent in animal feeds. The notice of filing provided for a 60-day comment period. No comments have been received.

FDA has evaluated data in the petition and other relevant material. FDA concludes that the proposed food additive use of sodium stearate as an