American Express Travel Related Services (American Express) also opposed the petition. It stated that, as a result of travelers' frequent changes in travel plans, the air carrier is in the best position to know what persons are actually on the flight. American Express also said that because airlines have cut their commissions to travel agents, if the Department of Transportation requires travel agents to collect the necessary information, then the result will be an increase in the service fees that travel agents charge their customers. It noted that travel agents are merely sales agents of the airline principals, and that the legal requirement should remain on the principal.

Apple Vacations (Apple), a major national tour operator, also opposed the petition. Apple stated that its experience with passenger reservations indicated that in order to get accurate and up-to-date contact information, it must be collected at check-in. Apple also observed that passengers currently are asked to complete contact information on the reverse of the boarding card. Apple passengers are asked to check in 2 hours before the flight, which in Apple's opinion provides ample time to fill in the three lines of information on the back of the boarding card. Apple noted that almost 100 percent of its passengers book through a travel agent and more than 80 percent of these bookings are taken by the travel agent over the phone, with inherent mistakes in transmission of the information. It stated that a travel agent would not want to imply that air travel is unsafe and is, therefore, likely to advise the tour operator that it asked for the information, but that the customer declined to provide it.

Apple further observed that each seat in its inventory might turn over four or five times before the reservation is confirmed with a deposit and a participant contract. Collection of the information any time before confirmation would, therefore, be a waste of time for all concerned. In addition, Apple noted that most of its trips are booked several months prior to departure so that some of the contact information would be outdated. As an operational matter, Apple noted that it does not see documents and is, therefore, unable to confirm either the correct name or nationality of its clients. In conclusion, it argued that the petition would make the collection of data unduly complicated, and would decrease both the amount of data collected and its reliability. Apple believes that collection of the data by the airline or its agent at check-in will be accurate and timely, and will not impose any additional or undue burden in either time or manpower.

Reasons for Denial

After careful review of the petition and all comments, the Department of Transportation has decided to deny NACA's request.

Pursuant to the final rule, the covered airline operating a covered flight is ultimately responsible for compliance with this rule and for communicating the information to the Department of State or NTSB. Only the covered airline operating a covered flight is aware of the passengers that ultimately board a covered flight. The Department, moreover, finds no evidence in the record to support NACA's claim that either the psychological environment is more conducive to soliciting the required information at the time the ticket is sold, or that passengers are more likely to provide such information at the first point of contact. Similarly, the Department finds no evidence in the record to support ASTA's claim that the only way to obtain accurate passenger information is to collect it at the gate.

The Department of Transportation believes each airline is in the best position to work out the most efficient manner for soliciting and collecting the information, and we want to give each of them the discretion to do so. For some airlines, this could be to solicit and collect the information at the time of first contact. For others, this might be at the time of booking. In its best business judgment, an airline may or may not choose, as part of its agency contractual relationship, to have travel agents and tour operators collect information, and to work out an appropriate arrangement to ensure that the information is solicited and collected. In the end, it is up to the airline to ensure compliance with the final rule. In their joint comment, the American Association for Families of KAL 007 Victims and the Families of TWA Flight 800 Association contended that the change requested by NACA would be more cost-effective for all parties concerned. If that is the case, there is a commercial motivation for the parties to come to agreement on such a procedure without the need for further rulemaking.

OST's rulemaking procedures are set forth in 49 CFR Part 5. The procedures do not include any explicit process for petitions for reconsideration. We are, therefore, treating this petition for reconsideration as a petition for rulemaking and do not consider it to be filed out of time. I am hereby denying the petition under authority delegated to me by the Secretary of Transportation in 49 CFR 1.57.

Issued in Washington, DC, on September 24, 1998.

Nancy E. McFadden,

General Counsel.

[FR Doc. 98–26252 Filed 9–28–98; 12:34 pm]

BILLING CODE 4910–62–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Distribution of Risk Disclosure Statements by Futures Commission Merchants and Introducing Brokers; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final rules published in the **Federal Register** of Friday, February 20, 1998 (63 FR 8566). These final rules amended requirements of the Commodity Futures Trading Commission (''Commission'') related to risk disclosures that must be provided by future commission merchants (''FCMs'') and introducing brokers (''IBs'') to customers.

DATES: Effective on April 21, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas E. Joseph, Attorney Adviser, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone (202) 418–5430.

SUPPLEMENTARY INFORMATION:

Background

The final rules that are the subject of this correction amended the Commission's disclosure requirements in order to relieve FCMs and IBs of the obligations to provide certain specifically defined customers with Commission-mandated risk disclosure statements and to receive from such customers a signed acknowledgement of receipt of such statements.

Need for Correction

The instructions to revise Rule 1.55 did not contain a reference to the ''introductory text'' of paragraph (a)(1) of that section when they were published in the **Federal Register** on February 20, 1998. As a result, 17 CFR 1.55(a)(1) (1998) fails to include language that the Commission did not intend to amend or remove by the February 1998 rule change. This

correcting amendment provides the complete language for 17 CFR 1.55(a)(1).

List of Subjects in 17 CFR Part 1

Commodity futures, Customer protection, Risk disclosure statements.

Accordingly, 17 CFR Part 1 is corrected by making the following correcting amendment:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 1a, 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, 24.

2. In § 1.55, paragraph (a)(1) should be correctly revised to read as follows:

§ 1.55 Distribution of ''Risk Disclosure Statement'' by futures commission merchants and introducing brokers.

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

(i) Furnishes the customer with a separate written disclosure statement containing only the language set forth in paragraph (b) of this section (except for nonsubstantive additions such as captions) or as otherwise approved under paragraph (c) of this section; *Provided, however,* that the 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; and

(ii) Receives from the customer an acknowledgment signed and dated by the customer that he received and understood the disclosure statement.

* * * * *

Issued in Washington, D.C. on September 24, 1998 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–26078 Filed 9–29–98; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Food and Drug Administration

21 CFR Parts 522 and 556

Implantation or Injectable Dosage Form New Animal Drugs; Oxytetracycline Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc. The supplemental NADA provides for intramuscular, intravenous, and subcutaneous use of oxytetracycline injection in lactating dairy cattle in addition to use in beef cattle, nonlactating dairy cattle, calves including preruminating (veal) calves, and swine.

EFFECTIVE DATE: September 30, 1998.

FOR FURTHER INFORMATION CONTACT: William T. Flynn, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1652.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017, filed supplemental NADA 113–232 that provides for intramuscular, intravenous, and subcutaneous use of Liquamycin® LA–200® (oxytetracycline injection) for treatment of lactating dairy cattle in addition to treatment of beef cattle, nonlactating dairy cattle, calves including preruminating (veal) calves, and swine as in § 522.1660(d)(1) and (d)(2) (21 CFR 522.1660(d)(1) and (d)(2)). The supplemental NADA is approved as of July 21, 1998, and the regulations in § 522.1660(d)(1) are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

Also § 522.1660(c) is revised to cross-reference the tolerances for oxytetracycline in 21 CFR 556.500. In addition, the tolerances are amended to provide for an acceptable daily intake (ADI) (see 61 FR 67453, December 23, 1996) and for a tolerance for residues in milk. Because the December 23, 1996, publication amends tolerances for all tetracyclines (chlortetracycline, oxytetracycline, and tetracycline), this document also amends 21 CFR 556.150 and 556.720 to reflect the tetracycline ADI.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support this approval may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning July 21, 1998, because the supplement contains substantial evidence of effectiveness of the drug involved, any studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the supplement and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to use of this drug in lactating dairy cattle for the labeled indications for which the supplemental application is approved.

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

21 CFR Part 522

Animal drugs.

21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 522 and 556 are amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 522.1660 is amended by adding paragraph (c), by revising the heading in paragraph (d)(1) and the two last sentences in paragraph (d)(1)(iii) to read as follows: