

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AWP-9]

Revocation of Class E Airspace; El Rico, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E airspace area at El Rico, CA. The cancellation of instrument approach procedures at El Rico Airport has made this action necessary. The intended effect of this action is to revoke controlled airspace since the purpose and requirements for the airspace area no longer exist at El Rico Airport, El Rico, CA.

EFFECTIVE DATE: 0901 UTC July 17, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6556.

SUPPLEMENTARY INFORMATION:

History

On April 21, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR part 71) by revoking the Class E airspace area at El Rico, CA (62 FR 19238). This action revokes the Class E airspace area at El Rico, CA. The cancellation of instrument approach procedures at El Rico Airport has made this action necessary. The intended effect of this action is to revoke controlled airspace since the purpose and requirements for the airspace area no longer exist at El Rico Airport, El Rico, CA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposals to the FAA. No comments to the proposal were received. Class E airspace designations 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 designations listed in this document will be removed subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revokes the Class E airspace

area at El Rico, CA. The cancellation of instrument approach procedures at El Rico Airport has made this action necessary. The intended effect of this action is to revoke controlled airspace since the purpose and requirements for the airspace area no longer exist at El Rico Airport, El Rico, CA.

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 Procedures (44 FR 10034; 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 CFR 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.

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AWP CA E5 El Rico, CA [Removed]

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Issued in Los Angeles, California, on May 27, 1997.

George D. Williams,

Manager Air Traffic Division, Western-Pacific Region.

[FR Doc. 97-14979 Filed 6-6-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ACE-2]

Amendment to Class E Airspace, Fremont, NE

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule, correction.

SUMMARY: This action amends the Class E airspace area at Fremont Municipal Airport, Fremont, Nebraska. The Federal Aviation Administration has developed a Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) which has made this change necessary. The effect of this rule is to provide additional controlled airspace for aircraft arriving or departing the Fremont Municipal Airport. After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule as proposed except that presently existing Class E airspace at the Scribner and Wahoo, Nebraska, airports is excluded. The FAA has determined that this correction will not change the meaning of the action nor add any additional burden on the public beyond that already proposed.

EFFECTIVE DATE: 0901 UTC July 17, 1997.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Operations Branch, ACE-530C, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106; telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On March 11, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class E airspace area at Fremont, NE (62 FR 11076). The proposed action would provide additional controlled airspace to accommodate the new SIAP to Fremont Municipal airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 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) amends the Class E airspace area at Fremont, NE, by providing additional controlled airspace for aircraft executing the new SIAP to the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and route 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 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 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

Aviation, 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 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 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 from 700 feet or more above the surface of the earth.

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ACE NE E5 Fremont, NE [Revised]

Fremont Municipal Airport, NE
(Lat. 41°26'57"N., long. 96°31'13"W.)
Fremong NDB
(Lat. 41°27'01"N., long. 96°31'05"W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Fremont Municipal Airport, and within 2.6 miles each side of the 306° bearing from the Fremont NDB extending from the 6.6-mile radius to 7 miles northwest of the airport, excluding that airspace within the Scribner, NE, Class E and the Wahoo, NE, Class E airspace areas.

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Issued in Kansas City, MO, on May 9, 1997.

Jack L. Skelton,

Acting Manager, Air Traffic Division Central Region.

[FR Doc. 97–14982 Filed 6–6–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 97P–0031]

Food Labeling: Nutrient Content Claim for "Plus"

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its food labeling regulations to include the term "plus" as a synonym for the term "added." This action is in response to FDA's decision to grant a petition for the synonym filed by Nestle USA-Beverage Division Inc. FDA concludes that the term "plus" is a clear and unambiguous synonym for "more," and is consistent with the terms "added" and "extra."

DATES: The regulation is effective July 9, 1997; written comments by July 9, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Carole L. Adler, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C. St. SW., Washington, DC 20204, 202–205–5483.

SUPPLEMENTARY INFORMATION:

I. Background

Section 403(r)(4) of the Federal Food, Drug, and Cosmetic Act (the act) provides that any person may petition the Secretary of Health and Human Services (and by delegation, FDA) to approve nutrient content claims that are not specifically provided for in FDA's regulations. In the **Federal Register** of January 6, 1993 (58 FR 2302), FDA

published a final rule entitled, "Food Labeling: Nutrient Content Claims, General Principles, Petitions, Definition of Terms; Definitions of Nutrient Content Claims for the Fat, Fatty Acid, and Cholesterol Content of Food" (hereinafter referred to as "nutrient content claims final rule"). The nutrient content claims final rule, among other things, defined specific nutrient content claims that included the terms "good source," "high," and "more" (§ 101.54 (21 CFR 101.54)) and established procedures for the submission and review of petitions regarding the use of nutrient content claims (§ 101.69 (21 CFR 101.69)). Section 101.69(n) establishes the procedures to petition for use of a synonymous term.

On January 14, 1997, FDA received a petition from Nestle USA-Beverage Division, Inc., 345 Spear St., San Francisco, CA 95105, to establish the term "plus" as a synonym for the terms "more," "added," and "extra" (Ref. 1). In accordance with procedures established in § 101.69(n), FDA evaluated the petition and concluded that the term "plus" is a clear and unambiguous synonym for the term "more," and, in particular, is consistent with the terms "added" and "extra." Nestle USA-Beverage Division, Inc., stated in its petition that according to the definitions in current dictionaries, the word "plus" signifies "increased by" or "with the addition of." Based on this information, FDA concluded that the term "plus" would be commonly understood to have the same meaning as "more," and more specifically, "added" and "extra." FDA advised the firm of this in a letter dated March 26, 1997 (Ref. 2). The agency also explained in the March 26, 1997, letter that the term "plus" is most closely synonymous with the term "added" in that it suggests that the labeled food has been altered compared to a similar reference food. Therefore, the agency concluded that the term "plus" as a relative claim must be used in the same way that the term "added" is used as specified in § 101.13(j)(1)(i)(B) (21 CFR 101.13(j)(1)(i)(B)).

In § 101.69(n)(4), FDA stated that as soon as practicable following the agency's decision to either grant or deny a petition for a synonymous term, it would publish a notice in the **Federal Register** informing the public of its decision, and that if it grants the petition, FDA will list the term in its nutrient content claims regulation. Therefore, in this document, the agency is amending §§ 101.13(j) and 101.54(e) to include the term "plus" as a synonym for the terms "added" and "extra."