

**Regulatory Impact**

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 96-21-05, Amendment 39-9782 (61 FR 54538, October 21, 1996), and by adding a new AD to read as follows:

**97-10-13 Fairchild Aircraft, Inc.:**

Amendment 39-10025; Docket No. 96-CE-65-AD. Supersedes AD 96-21-05, Amendment 39-9782.

**Applicability:** The following airplane models and serial numbers, certificated in any category, that do not incorporate an elevator torque tube with either part number (P/N) 27-44026-005, P/N 27-44026-007, or P/N 27-44026-SEO-1-03:

Model	Serial Nos.
SA226-T .....	T201 through T275 and T277 through T291.
SA226-T(B)	T(B)276 and T(B)292 through T(B)417.
SA226-AT ....	AT001 through AT074.
SA226-TC ...	TC201 through TC419.
SA227-TT ....	TT421 through TT541.
SA227-AT ....	AT423 through AT695.
SA227-AC ...	AC406, AC415, AC416, and AC420 through AC772.
SA227-BC ...	BC762, BC764, BC766, BC770, BC771, and BC772.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required within the next 6 calendar months after the effective date of this AD, unless already accomplished (compliance with AD 96-21-05).

To prevent failure of the flight control system caused by a corroded elevator torque tube, which could result in loss of control of the airplane, accomplish the following:

(a) Drill two .5-inch diameter holes in the inboard side of the elevator torque tube arm in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of, and as specified in Figure 1 of, Fairchild Aircraft Service Bulletin (SB) 226-27-050 or Fairchild Aircraft SB 227-27-028, both Issued: January 22, 1990, as applicable.

(b) Inspect the elevator torque tube in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairchild Aircraft SB 226-27-050 or Fairchild Aircraft SB 227-27-028, both Issued: January 22, 1990, as applicable.

(1) If corrosion is found inside the elevator torque tube, prior to further flight after the inspection required by paragraph (b) of this AD, replace the corroded elevator torque tube with either a P/N 27-44026-005, P/N 27-44026-007, or P/N 27-44026-SEO-1-03 elevator torque tube in accordance with the applicable maintenance manual.

(2) If corrosion is not found inside the elevator torque tube, prior to further flight after the inspection required by paragraph (b) of this AD, apply a corrosion preventive compound in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairchild Aircraft SB 226-27-050 or Fairchild Aircraft SB 227-27-028, both Issued: January 22, 1990, as applicable.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to

a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO. Alternative methods of compliance approved in accordance with AD 96-21-05 (superseded by this AD) are considered approved for this AD.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(e) The inspection access hole drilling, the inspection, and the corrosion preventive compound application required by this AD shall be done in accordance with Fairchild Aircraft SB 226-27-050 or Fairchild Aircraft SB 227-27-028, both Issued: January 22, 1990, as applicable. This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of November 29, 1996 (61 FR 54538, October 21, 1996). Copies may be obtained Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-10025) supersedes AD 96-21-05, amendment 39-9782.

(g) This amendment (39-10025) becomes effective on July 8, 1997.

Issued in Kansas City, Missouri, on May 7, 1997.

**Henry A. Armstrong,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 97-12517 Filed 5-12-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 96-ACE-21]

**Amendment to Class E Airspace Omaha, NE; Correction**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects an error in the geographic coordinates and airspace description of a final rule that was published in the **Federal Register** on January 31, 1997 (62 FR 4631), Airspace Docket No. 96-ACE-21. The

final rule modified the Class E airspace area at Omaha, NE.

EFFECTIVE DATE: 0901 UTC May 22, 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**

**Federal Register** Document 97-2419, Airspace Docket No. 96-ACE-21, published on January 31, 1997 (62 FR 4631), revised the descriptions of the Class E airspace area at Omaha, NE. A typographical error was discovered in the geographic coordinates. In addition, the Class E airspace area description is revised to remove the phrase "excluding that portion which lies within the Eppley Airfield and Offutt AFB Class E5 airspace". This action corrects those errors.

**Correction to Final Rule**

**§ 71.1 [Corrected]**

Accordingly, pursuant to the authority delegated to me, on page 4632, column 2, § 71.1, the geographic coordinates and airspace description of the Class E airspace area at Omaha, NE, as published in the **Federal Register** on January 31, 1997 (62 FR 4631) (**Federal Register** Document 97-2419) are corrected to read as follows:

**ACE NE E5 Omaha, NE [Corrected]**

Eppley Airfield, NE

(Lat 41°18'09" N., long. 95°53'39" W.)

Offutt AFB, NE

(Lat. 41°07'06" N. long. 95°54'45" W.)

Council Bluffs Municipal Airport, IA

(Lat 41°15'34" N., long. 95°45'36" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Eppley Airfield and within 3 miles each side of the Eppley Airfield ILS localizer course to Runway 14R extending from the 6.9-mile radius to 12 miles northwest of the airport and within a 7-mile radius of Offutt AFB and within 4.3 miles each side of the Offutt ILS localizer course extending from the 7-mile radius to 7.4 miles southeast of the AFB and within a 6.3-mile radius of the Council Bluffs Municipal Airport.

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Issued in Kansas City, MO on March 18, 1997.

**Herman J. Lyons, Jr.,**

Manager, Air Traffic Division, Central Region.  
[FR Doc. 97-12239 Filed 5-12-97; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 172**

[Docket No. 87G-0351]

**Food Additives Permitted for Direct Addition to Food for Human Consumption; 1,3-Butylene Glycol**

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 1,3-butylene glycol as a formulation and processing aid in the manufacture of edible sausage casings. This action is in response to a petition filed by Teepak, Inc.

**DATES:** Effective May 13, 1997; written objections and requests for a hearing by June 12, 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 listed in new § 172.712, effective May 13, 1997.

**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:** James C. Wallwork, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, 202-418-3078.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In accordance with the procedures described in § 170.35 (21 CFR 170.35), Teepak, Inc., 915 North Michigan Ave., Danville, IL 61832-0597, submitted a petition (GRASP 7G0332) requesting that 1,3-butylene glycol be affirmed as generally recognized as safe (GRAS) for use in food as a formulation and processing aid, when used in accordance with current good manufacturing practice.

FDA published a notice of filing of this petition in the **Federal Register** of November 23, 1987 (52 FR 44936), and gave interested parties an opportunity to submit comments concerning the petition to the Dockets Management Branch (address above). FDA received no comments in response to that notice.

After the petition was filed, the petitioner amended the petition to limit

the scope of the requested GRAS affirmation. As amended, the petition asks FDA to affirm 1,3-butylene glycol as GRAS for use only as a formulation and processing aid in the manufacture of edible sausage casings.

**II. Standard for Evaluation of Petition**

Under § 170.30 (21 CFR 170.30), general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances added to food. The basis of such views may be either: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, experience based on common use in food (§ 170.30(a)). General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of the substance as a food additive and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (§ 170.30(b)). In its petition, Teepak, Inc., has not claimed a history of common use in food before 1958, but rather has relied upon scientific procedures, primarily published scientific papers, to support its claim that 1,3-butylene glycol is GRAS.

In reviewing the data in the petition and other relevant material, FDA noted that the published studies on the safety of 1,3-butylene glycol are of varying quality. As discussed in section IV. of this document, the agency believes that the available data, taken together, establish the safety of 1,3-butylene glycol for the limited use requested in the petition. However, FDA does not believe that the data are sufficient to show that the basis for such a safety determination is generally recognized by experts in the field.

Thus, in accordance with 21 CFR 170.35(c)(5) and 170.38, the agency has determined that the requested use of 1,3-butylene glycol cannot be considered GRAS based upon scientific procedures and that the compound is a food additive subject to section 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348). FDA notified the petitioner of this conclusion and the firm agreed that 1,3-butylene glycol could be evaluated as a food additive rather than as a GRAS ingredient.

**III. Introduction**

**A. Identity**

1,3-Butylene glycol  
(CH<sub>2</sub>OHCH<sub>2</sub>CHOHCH<sub>3</sub>, CAS Reg. No.