Coyle VORTAC
(lat. 39°49′02″N., long. 74°25′54″W.)
Robbinsville VORTAC
(lat. 40°12′08″N., long. 74°29′43″W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Lakewood Airport and within a 10.5-mile radius of McGuire AFB and within a 11.3-mile radius of the Lakehurst (Navy) TACAN extending clockwise from the Lakehurst (Navy) Tacan 310° radial to the 148° radial and within 4.4 miles each side of the Coyle VORTAC 031° radial extending from the VORTAC to 11.3 miles northeast and within 2.6 miles southwest and 4.4 miles northeast of the Lakehurst (Navy) TACAN 148° radial extending from the TACAN to 12.2 miles southeast and within a 6.4-mile radius of Trenton-Robbinsville Airport and within 5.7 miles north and 4 miles south of the Robbinsville VORTAC 278° and 098° radials extending from 4.8 miles west to 10 miles east of the VORTAC and within a 6.7-mile radius of Allaire Airport and within 1.8 miles each side of the Colts Neck VOR/DME 167° radial extending from the Allaire Airport 6.7-mile radius to the VOR/DME and within 4 miles each side of the 312° bearing from the Allaire airport extending from the 6.7-mile radius of the airport to 9 miles northwest of the airport and within 9.5-mile radius of Flying W Airport and within a 6.5-mile radius of Robert J. Miller Air Park and within 1.3 miles each side of the Coyle VORTAC 044° radial extending from the 6.5-mile radius of Robert J. Miller Air Park to the VORTAC, excluding the portions that coincide with the Berlin, NJ, Princeton, NJ, Vincentown, NJ, Old Bridge, NJ, Matawan, NJ, and North Philadelphia, PA Class E airspace areas.

* * * * *

Issued in Jamacia, New York on May 6, 1998.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–12984 Filed 5–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AEA–04]

Amendment to Class E Airspace; Downingtown, PA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace at Shannon Memorial Field Airport, Downingtown, PA. All instrument procedures for the airport have been cancelled. The need for Class E airspace no longer exists for Instrument Flight Rules (IFR) operations at the airport. This action will result in the airspace reverting to Class G airspace.

EFFECTIVE DATE: 0901 UTC, August 13, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 3, 1998, a proposal to amend Part 71 of the Federal Aviation Regulations (14 CFR part 71) to remove the Class E airspace extending upward from 700 feet above the surface at Shannon Memorial Field Airport, Downingtown, PA, was published in the **Federal Register** (63 FR 16451).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet AGL are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be removed subsequently from the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) removes Class E airspace at Downingtown, PA. The need for controlled airspace extending from 700 feet AGL at the Shannon Memorial Field Airport no longer exists. This area will be removed from the appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations from 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 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 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; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p.389.

§ 71.1 [Amended]

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5, Downingtown, PA [Removed]

* * * * *

Issued in Jamaica, New York, on May 6, 1998.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–12983 Filed 5–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 98N–0283]

Food Labeling; Nutrient Content Claims—General Provisions

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations for nutrient content claims by revoking the requirement that the label or labeling of a food for which a nutrient content claim is made must bear a ''referral statement'' that directs consumers' attention to the panel on the label or labeling that bears nutrition

information. FDA is taking this action in response to section 305 of the Food and Drug Administration Modernization Act of 1997 (FDAMA). FDA also is making some technical conforming amendments to the regulations.

DATES: The regulation is effective May 15, 1998, except for the amendment to § 101.13(q)(3)(ii) (21 CFR 101.13(q)(3)(ii)) that will be effective March 23, 1999. Written comments by June 15, 1998.

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

FOR FURTHER INFORMATION CONTACT: Hilario R. Duncan, Center for Food Safety and Applied Nutrition (HFS–24), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–8281.

SUPPLEMENTARY INFORMATION: On November 21, 1997, President Clinton signed into law FDAMA (Pub. L. 105–115). Section 305 of FDAMA amended section 403(r)(2)(B) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(r)(2)(B)) to eliminate the requirement that referral statements be made on food labeling whenever nutrient content claims are made. Section 305 of FDAMA retained the requirement that there be disclosure statements when FDA determines that the food for which the nutrient content claim is to be made contains a nutrient at a level that increases to persons in the general population the risk of a disease or health related condition that is diet related, although section 305 of FDAMA changed how the disclosure statement should be worded. The act as amended by the Nutrition Labeling and Education Act of 1990 had previously mandated referral statements whenever nutrient content claims were made on the label or labeling of a food product.

FDA is revising § 101.13 (21 CFR 101.13) to reflect the statutory changes of FDAMA. The agency is doing so by removing the introductory text of § 101.13(g), which requires referral statements whenever nutrient content claims are made; by redesignating and amending § 103.13(g)(1), (g)(2), and (g)(3), which specify the size and placement of referral statements, as paragraphs (h)(4)(i), (h)(4)(ii), and (h)(4)(iii), respectively, to specify the size and placement of disclosure statements; by revising § 101.13(h)(1) to make the disclosure statement language conform to that required by Section 305 of FDAMA; and by making other conforming revisions.

Under amended section 403(r)(2)(B) of the act, and the conforming rule set forth in this document, affected food products are misbranded unless they contain the disclosure statement ''See nutrition information for ____ content.'' This disclosure statement replaces the disclosure statement currently set forth in § 101.13(h), which states: ''See [appropriate panel] for information about [nutrient requiring disclosure] and other nutrients.'' FDA does not believe that Congress intended that food producers immediately relabel their products to include the new disclosure statement, which would create an unnecessary economic burden on them, especially as the old disclosure statement is not false or misleading. Accordingly, FDA advises that, with respect to food products that are subject to the requirements of § 101.13(h), the agency intends at this time to exercise its enforcement discretion by refraining from taking regulatory action against them solely because they continue to use the disclosure statement ''See [appropriate panel] for information about [nutrient requiring disclosure] and other nutrients.'' FDA encourages food producers to revise the labeling for their products that fall under the requirements of § 101.13(h) to include the new disclosure statement ''See nutrition information for ____ content'' as soon as possible but no later than the next scheduled redesign of the product's label or labeling. Finally, FDA advises that food producers may continue to use the referral statement previously required under § 101.13(g). Because that referral statement is not false or misleading, such a referral statement would not be prohibited under the act.

FDA is also taking this opportunity to correct an error that occurs in the current issue of the Code of Federal Regulations (CFR) in § 101.13(g)(1). In the **Federal Register** of August 12, 1997 (62 FR 43071), in the document entitled ''Food and Cosmetic Labeling; Revocation of Certain Regulations,'' FDA revoked § 101.2(c)(1), (c)(2), and (c)(3) (21 CFR 101.2(c)(1), (c)(2), and (c)(3)) and redesignated remaining paragraphs (c)(4) and (c)(5) as paragraphs (c)(1) and (c)(2), respectively. In making this change, however, FDA inadvertently neglected to change the citation to § 101.2(c)(5) that appeared in § 101.13(g)(1). FDA is correcting that inadvertent omission in § 101.13. Additionally, in a document entitled ''Food Labeling; General Requirements for Health Claims for Food'' (see 58 FR 2478 at 2534, January 6, 1993), FDA inadvertently used the term ''referral'' instead of the preferred term ''disclosure'', in issuing § 101.14(e)(3) (21 CFR 101.14(e)(3)). FDA is correcting that error in § 101.14(e)(3).

The agency has determined under 21 CFR 25.30(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has examined the economic implications of this final rule under Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select the regulatory approach that maximizes net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million or adversely affecting in a material way a sector of the economy, competition, or jobs, or if it raises novel legal or policy issues. The agency finds that this final rule is not a significant rule as defined by Executive Order 12866. No analysis is required for this rule under the Regulatory Flexibility Act (5 U.S.C. 601–612) because, as discussed herein, FDA is issuing it without publishing a general notice of proposed rulemaking.

Finally, in accordance with the Small Business Regulatory Enforcement Fairness Act, the administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget has determined that this final rule is not a major rule for the purpose of congressional review.

FDA concludes that the labeling requirements in this final rule are not subject to review by the Office of Management and Budget because they do not constitute a ''collection of information'' under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Rather, the labeling statements are ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

Because FDA is revoking a requirement (referral statements for all nutrient content claims) that was issued under legal authority that has been eliminated by Congress in FDAMA, FDA finds, for good cause, that notice and public procedure on this rule are unnecessary and, therefore, are not required under 5 U.S.C. 553.

Nonetheless, under 21 CFR 10.40(e), FDA is providing an opportunity for comment on whether the regulations set forth below should be modified or revoked.

Interested persons may, on or before June 15, 1998, submit to the Dockets Management Branch (address above) written comments regarding this final rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday though Friday.

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 101 is amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371.

2. Section 101.13 is amended by removing the introductory text of paragraph (g); by redesignating paragraphs (g)(1), (g)(2), and (g)(3) as paragraphs (h)(4)(i), (h)(4)(ii), and (h)(4)(iii), respectively and reserving paragraph (g); by removing the introductory text of paragraph (h); by revising paragraph (h)(1) and newly redesignated paragraphs (h)(4)(i), (h)(4)(ii), and (h)(4)(iii); in paragraphs (j)(2)(ii) and (p)(2) by removing the phrase ''with paragraph (g)(1)'' and adding in its place the phrase ''with paragraph (h)(4)(i)''; by revising the second sentence in paragraph (q)(2) and the last sentence in paragraph (q)(3)(ii); in paragraph (q)(5)(i) by removing the phrase ''in paragraphs (g) and (h)'' and adding in its place the phrase ''in paragraph (h)''; and in paragraph (q)(6) by removing the phrase ''of paragraphs (b), (g), and (h)'' and adding in its place the phrase ''of paragraphs (b) and (h)'' to read as follows:

§ 101.13 Nutrient content claims—general principles.

* * * * *

(h)(1) If a food, except a meal product as defined in § 101.13(l), a main dish product as defined in § 101.13(m), or food intended specifically for use by infants and children less than 2 years of age, contains more than 13.0 g of fat, 4.0 g of saturated fat, 60 milligrams (mg) of cholesterol, or 480 mg of sodium per reference amount customarily consumed, per labeled serving, or, for a food with a reference amount customarily consumed of 30 g or less or 2 tablespoons or less, per 50 g (for dehydrated foods that must be reconstituted before typical consumption with water or a diluent containing an insignificant amount, as defined in § 101.9(f)(1), of all nutrients per reference amount customarily consumed, the per 50 g criterion refers to the ''as prepared'' form), then that food must bear a statement disclosing that the nutrient exceeding the specified level is present in the food as follows: ''See nutrition information for ____ content'' with the blank filled in with the identity of the nutrient exceeding the specified level, e.g., ''See nutrition information for fat content.''

* * * * *

(4) * * *

(i) The disclosure statement ''See nutrition information for ____ content'' shall be in easily legible boldface print or type, in distinct contrast to other printed or graphic matter, and in a size no less than that required by § 101.105(i) for the net quantity of contents statement, except where the size of the claim is less than two times the required size of the net quantity of contents statement, in which case the disclosure statement shall be no less than one-half the size of the claim but no smaller than one-sixteenth of an inch, unless the package complies with § 101.2(c)(2), in which case the disclosure statement may be in type of not less than one thirty-second of an inch.

(ii) The disclosure statement shall be immediately adjacent to the nutrient content claim and may have no intervening material other than, if applicable, other information in the statement of identity or any other information that is required to be presented with the claim under this section (e.g., see paragraph (j)(2) of this section) or under a regulation in subpart D of this part (e.g., see §§ 101.54 and 101.62). If the nutrient content claim appears on more than one panel of the label, the disclosure statement shall be adjacent to the claim on each panel except for the panel that bears the nutrition information where it may be omitted.

(iii) If a single panel of a food label or labeling contains multiple nutrient content claims or a single claim repeated several times, a single disclosure statement may be made. The statement shall be adjacent to the claim that is printed in the largest type on that panel.

* * * * *

(q) * * *

(2) * * * Such claims are exempt from the requirements of section 403(r)(2) of the act (e.g., the disclosure statement also required by § 101.13(h)).

* * *

(3) * * *

(ii) * * * All such claims shall be accompanied by any disclosure statement required under paragraph (h) of this section.

* * * * *

§ 101.14 [Amended]

3. Section 101.14 *Health claims: general requirements* is amended in paragraph (e)(3), in the 15th line by removing the word ''referral'' and adding in its place the word ''disclosure''.

4. Section 101.54 is amended by revising paragraph (d)(2) to read as follows:

§ 101.54 Nutrient content claims for ''good source,'' ''high,'' ''more,'' and ''potency.''

* * * * *

(d) * * *

(2) The disclosure shall appear in immediate proximity to such claim, be in a type size no less than one-half the size of the claim and precede any disclosure statement required under § 101.13(h) (e.g., ''contains [*x amount*] of total fat per serving. See nutrition information for fat content'').

* * * * *

§ 101.62 [Amended]

5. Section 101.62 *Nutrient content claims for fat, fatty acid, and cholesterol content of foods* is amended in paragraphs (d)(1)(ii)(D), (d)(2)(iii)(C), (d)(2)(iv)(C), (d)(4)(ii)(C), and (d)(5)(ii)(C) by removing the phrase ''the referral statement required in § 101.13(g)'' wherever it appears and by adding in its place the phrase ''any disclosure statement required under § 101.13(h)''.

* * * * *

Dated: May 6, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–12833 Filed 5-14-98; 8:45 am]

BILLING CODE 4160–01–F