PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

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.

§ 71.1 [Amended]

The incorporation by reference in 14 CFR 71.1 of the 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 500 General

* * * * *

ANM OR D Klamath Falls, OR [Revised]

Klamath Falls International Airport, OR
(Lat. 42°09′22″ N, long 121°43′59″ W)

That airspace extending upward from the surface to and including 6,600 feet MSL within a 5.4-mile radius of the Klamath Falls International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace areas designated as a surface area for an airport

* * * * *

ANM OR E2 Klamath Falls, OR [New]

Klamath Falls International Airport, OR
(Lat. 42°09′22″ N, long. 121°43′59″ W)

Within a 5.4-mile radius of the Klamath Falls International Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on February 23, 1998.

Glenn A. Adams III,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 98–6706 Filed 3–17–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket Nos. 91N–384H and 96P–0500]

RIN 0910–AA19

Food Labeling; Nutrient Content Claims, Definition of Term: Healthy; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to May 19, 1998, the comment period for its advance notice of proposed rulemaking (ANPRM) on the use of the term ''healthy.'' The ANPRM was published in the **Federal Register** of December 30, 1997 (62 FR 67771). The agency is taking this action in response to two requests for an extension of the comment period. This extension is intended to provide interested persons with additional time to submit comments to FDA on the ANPRM.

DATES: Written comments by May 19, 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: Virginia L. Wilkening, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5763.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 30, 1997 (62 FR 67771), FDA published an ANPRM announcing that it is considering whether to institute rulemaking to reevaluate and possibly amend certain provisions of the nutrient content claims regulations pertaining to the use of the term ''healthy.'' In the ANPRM, FDA asked for information and data to help resolve the issues pertaining to the use of the term ''healthy'' that were raised by a petition submitted by ConAgra, Inc (Docket 96P–0500, CP–1). Interested persons were given until March 16, 1998, to submit comments on the ANPRM.

In the **Federal Register** of February 13, 1998 (63 FR 7279), the U.S. Department of Agriculture (USDA) published an interim final rule extending until January 1, 2000, the effective date for certain requirements pertaining to the use of ''healthy'' on the label or labeling of meat products. In that final rule, USDA stated that written comments about its instituting additional rulemaking should be received by May 19, 1998. FDA has received letters from trade associations requesting the agency to extend the comment period on its ANPRM until May 19, 1998, to coincide with the date for USDA's interim final rule. The requests contend that additional time is needed for both food manufacturers and other interested groups to address both FDA's and USDA's comments. They also cite the need to coordinate comments to the two documents.

FDA has decided to extend the comment period to May 19, 1998, to allow additional time for the submission of comments on the ANPRM. FDA recognizes the value in providing an extension that will allow the coordination of comments on these FDA and USDA documents. Accordingly, FDA has decided to extend the comment period to May 19, 1998, to allow additional time for the submission of comments on the ANPRM.

Interested persons may, on or before May 19, 1998, submit to the Dockets Management Branch (address above) written comments regarding this proposed 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 through Friday.

Dated: March 13, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–7056 Filed 3–13–98; 3:48 pm]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 62

[MO 045–1045; FRL–5879–9]

Approval and Promulgation of Implementation Plans and Section 111(d) Plan; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve certain portions of the State Implementation Plan (SIP) revisions

submitted by the state of Missouri to consolidate the sulfur dioxide (SO_2) rules. In addition, the EPA is proposing to rescind eight rules which are replaced by the new rule, and the EPA is proposing to approve Missouri's Clean Air Act (CAA) section 111(d) plan for sulfuric acid mist plants.

DATES: Comments on this proposed rule must be received in writing on or before April 17, 1998.

ADDRESSES: Comments may be mailed to Kim Johnson, U.S. Environmental Protection Agency, Regions VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Kim Johnson at (913) 551–7975.

SUPPLEMENTARY INFORMATION:

I. Background

The consolidation and revisions were made to Missouri's SO_2 rules in response to an SO_2 rule enforceability review conducted by the EPA in 1991. On March 26, 1991, the EPA sent a letter requesting that Missouri consolidate its SO_2 rules to improve enforceability. The consolidated rule was presented at a public hearing on March 28, 1996. After addressing comments from the hearing, the state adopted rule 10 CSR 10–6.260 which became effective on August 30, 1996.

On August 12, 1997, Missouri submitted a request to amend the SIP by adding the new rule 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds.

In conjunction with Missouri's request for SIP approval of 10 CSR 10–6.260, Missouri also requests rescission of eight existing rules dealing with sulfur compound emissions (10 CSR 10–2.160, 2.200, 3.100, 3.150, 4.150, 4.190, 5.110, and 5.150). These eight rules were rescinded by Missouri on March 27, 1997.

Missouri simplified the SO_2 emission requirements by consolidating all of the source-specific emission limitations, tests methods, and monitoring requirements for the different geographical areas into one rule: 10 CSR 10–6.260. The rule is a combination of plans which contain requirements that have been previously approved as protecting the SO_2 NAAQS. This new rule does not change the emission limits contained in the existing eight rules proposed for rescission, but does contains enforceable emission limits, appropriate compliance methods, and requires recordkeeping sufficient to determine compliance.

Section (4) of the proposed rule requires affected sources to comply directly with the SO_2 National Ambient Air Quality Standard (NAAQS). In general, the EPA does not directly enforce the NAAQS. Section 110 of the CAA requires states to develop plans which contain enforceable emission limitations and other such measures as required to protect the NAAQS. The adoption of NAAQS as directly enforceable requirements is a matter which is not addressed by the CAA. Consequently, the EPA will not take action on section (4); however, the EPA continues to assert that it is a state's prerogative to protect air quality using all necessary and practical means.

This rule also contains the state of Missouri's section 111(d) plan as it applies to sulfuric acid mist plant emissions. Section 111(d) of the CAA and 40 CFR part 60, subpart B, require each state to adopt and submit a plan to establish emission controls for existing sources, which would be subject to the EPA's New Source Performance Standards (NSPS) if these sources were new sources.

This action, as proposed, will not impact current source control requirements, but will make it easier for sources to determine applicable requirements and enable sources and regulatory agencies to determine more clearly the methods by which compliance is required to be demonstrated.

Because the rule revision does not change existing emission limitations, the state has not determined whether the limitations continue to be adequate to demonstrate attainment of the NAAQS. The EPA's approval would not imply that any such judgment has been made. As stated previously, the purpose of the revision is to simplify and strengthen enforceability of the regulations.

The EPA also notes that other, more stringent, SO_2 controls may also apply to sources subject to these rules. For example, SO_2 emissions from some sources may be further restricted by the NSPS or by the Acid Deposition requirements under Title IV of the CAA. Any more stringent requirements supersede these revisions for sources subject to the more stringent requirements.

II. Proposed Action

The EPA is proposing to approve, as a revision to the SIP, rule 10 CSR 10–6.260, Restriction of Emission of Sulfur Compounds, submitted by the state of Missouri on August 12, 1997, except sections (3) and (4).

The EPA is proposing to approve, under 40 CFR part 62, section 3 of rule 10 CSR 10–6.260 pursuant to section 111(d) of the CAA. The EPA is proposing no action on section 4 of rule 10 CSR 10–6.260.

The EPA is also proposing to rescind SIP rules 10 CSR 10–2.160, Restriction of Emission of Sulfur Compounds; 10 CSR 10–2.200, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–3.100, Restriction of Emission of Sulfur Compounds; 10 CSR 10–3.150, Restriction of Emission of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–4.150, Restriction of Emissions of Sulfur Compounds; 10 CSR 10–4.190, Restriction of Emissions of Sulfur Compounds From Indirect Heating Sources; 10 CSR 10–5.110, Restriction of Emissions of Sulfur Dioxide for Uses of Fuel; and 10 CSR 10–5.150, Emission of Certain Sulfur Compounds Restricted.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5. U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its

actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate, or to private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 20, 1998.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 98–7038 Filed 3–17–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300626; FRL–5776–9]

RIN 2070–AB18

Propazine; Proposed Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke the tolerances for residues of propazine in or on sorghum fodder, sorghum forage, sorghum grain, and sweet sorghum. EPA is proposing this action because the remaining registration for propazine on sorghum was canceled in 1990.

DATES: Written comments, identified by the document control number [OPP–300626], must be received on or before May 18, 1998.

ADDRESSES: By mail, submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under Unit VI of this preamble. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail, Jeff Morris, Special Review Branch (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 3rd floor, Crystal Station, 2800 Crystal Drive, Arlington, VA 22202, (703) 308–8029; e-mail: morris.jeffrey@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Propazine (2-chloro-4,6-bis (isopropylamino)-*s*-triazine) is a selective, pre-emergent herbicide used to control grassy and broadleaf weeds on sorghum. Propazine belongs to the class of herbicides known as chloro-*s*-triazines, which are currently undergoing a Special Review. Propazine, like the other chloro-*s*-triazines, is classified as a Group C, possible human carcinogen, based on studies showing induction of the same tumor type by the various triazines. Propazine also demonstrates environmental fate characteristics which raise concern for its potential to contaminate ground water and thus enter sources of drinking water.

II. Legal Authority

The Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., as amended by the Food Quality Protection Act of 1996 (FQPA), Pub. L. 104-170, authorizes the establishment of tolerances (maximum residue levels), exemptions from the requirement of a tolerance, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods pursuant to section 408, 21 U.S.C. 346(a), as amended. Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore ''adulterated'' under section 402(a) of the FFDCA, and hence may not legally be moved in interstate commerce (21 U.S.C. 331(a) and 342(a)). For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances or exemptions under the FFDCA, but also must be registered under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a, or otherwise exempted from registration under the Act.

Under FFDCA section 408(f), if EPA determines that additional data are needed to support continuation of a tolerance, EPA may require that those data be submitted by registrants under FIFRA section 3(c)(2)(B), by producers under the Toxic Substances Control Act (TSCA) section 4, or by other persons by order after opportunity for hearing. EPA intends to use Data Call-In (DCI) procedures for pesticide registrants, and FFDCA section 408(f)(1)(C) orders for non-registrants as its primary means of obtaining data. In general, EPA does not intend to use the procedures under TSCA section 4, because such procedures generally will not be applicable to pesticides.

Section 408(f) of the FFDCA states that if EPA determines that additional data are needed to support the continuation of an existing tolerance or exemption, EPA shall issue a notice that: (1) Requests that any parties identify their interest in supporting the tolerance or exemption, (2) solicits the submission of data and information from interested parties, (3) describes the data and information needed to retain the tolerance or exemption, (4) outlines how EPA will respond to the submission of supporting data, and (5) provides time frames and deadlines for the submission of such data and information.