SUPPLEMENTARY INFORMATION:

History

On January 27, 1998, a proposal to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace at Danville, VA, was published in the **Federal Register** (63 FR 3855). The amendment of the ILS RWY 2 SIAP and the amendment of the VOR RWY 20 SIAP for Danville Regional Airport require the amendment of the Class E airspace at Danville, VA. The proposal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

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 published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends Class E airspace at Danville, VA, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the ILS RWY 2 SIAP and VOR RWY 20 SIAP to Danville Regional Airport.

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 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]

2. 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 VA AEA E5 Danville, VA [Revised]

Danville Regional Airport, VA
(Lat. 36°34′27″ N., long. 79°20′07″ W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Danville Regional Airport.

* * * * *

Issued in Jamaica, New York on March 12, 1998.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–7819 Filed 3–24–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–34]

Revocation, Establishment, and Modification of Class E Airspace Areas; Cedar Rapids, IA; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Cedar Rapids, The Eastern Iowa Airport, IA, and corrects an error in the airspace designation as published in the direct final rule.

DATES: The direct final rule published at 63 FR 4380 is effective on 0901 UTC, April 23, 1998.

This correction is effective on April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE—520C, Federal Aviation Administration , 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION:

On January 29, 1998, the FAA published in the **Federal Register** a direct final rule, request for comments, which removed, established and modified Class E airspace at Cedar Rapids, The Eastern Iowa Airport, IA (FR Doc. 98–2214, 63 FR 4380, Airspace Docket No. 97–ACE–34). An error was subsequently discovered in the Class E airspace designation. After careful review of all available information related to the subject presented above, the FAA has determined that these corrections will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action corrects those errors and confirms the effective date of the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction

In rule FR Doc. 98–2214 published in the **Federal Register** on January 29, 1998, 63 FR 4380, make the following correction to the Cedar Rapids, The Eastern Iowa Airport, IA, Class E airspace designation incorporated by reference in 14 CFR 71.1:

§ 71.1 [Corrected]

On page 4381 in the third column, in the airspace designation, under ACE IA E5 Cedar Rapids, IA [Revised], in the first paragraph, in the fourth line, 269° should read 271°.

Issued in Kansas City, MO on March 5, 1998.

Bryan H. Burleson,

Acting Manager, Air Traffic Division Central Region.

[FR Doc. 98–7820 Filed 3–24–98; 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 95P–0241]

RIN 0910–AA19

Food Labeling: Nutrient Content Claims, Definition of Term: Healthy

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising its food labeling regulations by amending the definition of the term ''healthy'' to permit certain processed fruits and vegetables and enriched cereal-grain products that conform to a standard of identity to bear this term. This action is being taken to provide consumers with information that will assist them in achieving their dietary goals. This action also responds to petitions submitted to the agency by the American Frozen Food Institute (AFFI), the National Food Processors Association (NFPA), and the American Bakers Association (ABA).

EFFECTIVE DATE: March 25, 1998.

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 10, 1994 (59 FR 24232), FDA published a final rule entitled ''Food Labeling: Nutrient Content Claims, Definition of Term: Healthy'' (hereinafter referred to as ''the healthy final rule''), which established a definition for the use of the implied nutrient content claim ''healthy'' under the Federal Food, Drug, and Cosmetic Act, as amended by the Nutrition Labeling and Education Act of 1990 (the NLEA). The regulation permits the use of the term ''healthy'' and its derivatives on the labels of individual foods, main dishes, and meal products that are particularly useful, because of their nutrient profile, in assisting consumers to construct a diet that conforms to current dietary guidelines.

The definition for ''healthy'' in § 101.65(d) (21 CFR 101.65(d)) provides that an individual food, main dish, or meal product may bear this term if: (1) It is ''low'' in fat and saturated fat; (2) its content of sodium and cholesterol does not exceed the levels for these nutrients established in the definition; and (3) it contributes at least 10 percent of the Reference Daily Intake (RDI) or Daily Reference Value (DRV) of 1 or more of the following nutrients: Vitamin A, vitamin C, calcium, iron, protein, or fiber (that is, the food must be a ''good source'' of one or more of these six nutrients). In addition, the definition provides that a food can be fortified to meet the 10 percent nutrient contribution requirement if the fortification is done in accordance with the agency's fortification policy in § 104.20 (21 CFR 104.20). The definition further provides that raw fruits and vegetables are exempt from the 10 percent nutrient contribution requirement and may bear the term provided they meet the other requirements.

Following publication of the healthy final rule, three trade associations, AFFI, NFPA, and ABA, submitted petitions to FDA (Docket Nos. 91N–384H/PRC1, 91N–384H/PRC2, and 95P–024, respectively) requesting that the agency amend the definition of ''healthy.''

Two of the petitioners, AFFI and NFPA, requested that FDA reconsider its decision to exempt only raw fruits and vegetables from the 10 percent nutrient contribution requirement. Both petitioners argued that precluding certain processed fruits and vegetables from bearing the term ''healthy,'' especially when they are nutritionally equivalent to raw fruits and vegetables, would undermine the intent of the definition for ''healthy,'' which is to assist consumers to construct a diet that conforms to current dietary guidelines. AFFI further argued in their petition that the blanching and freezing processes do not significantly change the nutrient profile of frozen fruits and vegetables. In support of this argument, AFFI presented data to FDA comparing nutrient profiles of various raw and frozen fruits and vegetables, single ingredient versions of the same fruits and vegetables.

The third petition, submitted by ABA, requested that the agency amend the definition of ''healthy'' to permit the claim on enriched cereal-grain products that conform to the standards of identity in part 136, 137, or 139 (21 CFR part 136, 137, or 139) and bread that conforms to the standard of identity for enriched bread in 21 CFR 136.115, except that it contains whole wheat or other grain products not permitted under that standard. ABA argued that most nutritional authorities agree that grain products play a central role in a healthy diet. In fact, the petitioner argued, precluding enriched cereal-grain products from bearing a ''healthy'' claim was inconsistent with the basis of the ''healthy'' claim because these foods are particularly helpful in assisting consumers to construct a diet that conforms to current dietary guidelines.

Having considered the arguments raised in the petitions, the agency tentatively concluded in the **Federal Register** of February 12, 1996 (61 FR 5349), (hereinafter referred to as ''the 1996 healthy proposal''), that certain frozen fruit and vegetable products and enriched cereal-grain products that conform to a standard of identity should not be barred from using the term ''healthy'' because these foods can be particularly useful in assisting consumers in achieving dietary goals. Accordingly, in that document, FDA proposed to amend the definition of ''healthy'' to allow frozen fruit and vegetable products comprised solely of fruits and vegetables, and enriched grain products that conform to a standard of identity in part 136, 137, or 139, that do not contain 10 percent of vitamin A, vitamin C, calcium, iron, protein, or fiber, but otherwise meet the requirement of the ''healthy'' definition, to bear the term.

Interested parties were given until April 29, 1996, to comment. FDA received approximately 100 letters in response to the proposal, each containing one or more comments, from industry, trade organizations, consumers, consumer interest groups, and academia. The comments generally supported the proposal. Several comments addressed issues outside the scope of the proposal (e.g., changing the 10 percent nutrient contribution requirement to a 5 percent requirement, revising the nutrient contribution requirement so that it is based on the caloric contribution of the food, and changing the word ''enriched'' to ''partially restored'') and they will not be discussed here. A number of comments suggested modifications and revisions in various provisions of the proposal. A summary of these comments and the agency's responses follow: