

dietary significance to warrant the use of the term "healthy."

Based on the above information, the Agency requests comments on whether it should institute rulemaking to reevaluate the sodium provisions of the nutrient claims regulations pertaining to the use of the term "healthy" and on the other issues raised in the petition.

FSIS is dispensing with the requirements of notice and opportunity for comment for this final rule because the Agency finds these procedures to be impracticable. In light of the information provided by the petition, FSIS must have additional time to reevaluate the standard for "healthy" with regard to sodium levels and to explore whether it has created an unattainable sodium standard and other technological issues. The Agency is finalizing this rule immediately because the original effective date for the second tier sodium level requirements has expired. However, FSIS is providing the public with an opportunity to comment on its decision to finalize immediately.

Executive Order 12866 and the Regulatory Flexibility Act

This final rule has been determined to be non-significant and was not reviewed by OMB under Executive Order 12866.

The Administrator has made an initial determination that this interim final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This interim final rule will impose no new requirements on small entities.

FSIS believes that net social benefits are associated with the adoption of this rule because the value of incremental benefits is likely to exceed the incremental costs. The incremental benefits include the potential reductions in the cases of hypertension associated with reduced consumption of sodium. The reductions in hypertension cases would tend to reduce the number of visits to doctors and hospitals associated with these heart diseases. It also would reduce cases of mortality associated with these diseases. The reductions in the costs associated with these mortality and morbidity cases constitute an incremental benefit to society. Society also is likely to benefit from increased productivity brought about by improved health and welfare of the workers consuming low sodium diets.

If the reduction in sodium levels reduces the preservation characteristics of the products, the industry might incur additional costs to preserve the products by other means such as by innovating new chemical preservatives. This incremental cost, however, could

be offset by the reduced costs of sodium in the products. Hence, the costs associated with this rule are not likely to increase.

Unfortunately, we do not have data on the costs and benefits referred to above. Conceptually, however, it appears that the benefits are likely to exceed considerably the costs and result in a net benefit to society.

Executive Order 12988

This interim final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule (1) preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Requirements

Paperwork requirements for this rule have been approved under OMB Control Number 0583-0092.

References

1. Department of Health and Human Services, Public Health Service, "The Surgeon General's Report on Nutrition and Health," U.S. Government Printing Office, Washington, DC, pp. 139-143, 157-161, and 167-174, 1988.

2. Food and Nutrition Bureau (FNB)/National Academy of Sciences, "Diet and Health," National Academy Press, Washington, DC, pp 353-356, 549-553, and 556-561, 1989.

3. Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure, "The Fifth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure," *Archives of Internal Medicine*, 153: 154-183, 1993.

4. Nutrition Committee, American Heart Association, "Dietary Guidelines for Healthy American Adults—A Statement for Health Professionals from the Nutrition Committee, American Heart Association." *Circulation*, 94:1795-1800, 1996.

5. LSRO, "Evaluation of Publicly Available Scientific Evidence Regarding Certain Nutrient-Disease Relations for Sodium and Hypertension," Bethesda, MD, December 1991.

6. FNB, National Research Council, "Recommended Dietary Allowances," 10th ed., National Academy Press, Washington, DC, pp 247-261, 1989.

List of Subjects

9 CFR Part 317

Food labeling, Meat inspection.

9 CFR Part 381

Food labeling, Poultry and poultry products.

For the reasons discussed in the preamble, FSIS is amending parts 317 and 381 of the Federal meat and poultry products inspection regulations as set forth below:

PART 317—LABELING, MARKING DEVICES AND CONTAINERS

1. The authority citation for part 317 continues to read as follows:

Authority: 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

Subpart B—Nutrition Labeling

§ 317.363 [Amended]

2. Section 317.363 is amended by removing the phrase "during the first 24 months of implementation" in paragraph (b)(3) introductory text and (b)(3)(i) and replacing it with "effective through January 1, 2000."

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451-470; 7 CFR 2.18, 2.53.

Subpart Y—Nutrition Labeling

§ 381.463 [Amended]

4. Section 381.463 is amended by removing the phrase "during the first 24 months of implementation" in paragraph (b)(3) introductory text and (b)(3)(i) and replacing it with "effective through January 1, 2000."

Done at Washington, DC, on: February 4, 1998.

Thomas J. Billy,
Administrator.

[FR Doc. 98-3718 Filed 2-12-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AGL-57]

Establishment of Class E Airspace; St. Paul, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at St. Paul, MN. An airspace review for St. Paul, Downtown Holman Field, MN, indicated the need for surface area controlled airspace during periods when the control tower is closed. The surface area provides a safer operating environment for business/corporate turbo jet and turbo prop aircraft which operate into and out of the airport when the control tower is

closed. The airport meets the minimum communications and weather observation and reporting requirements. Controlled airspace extending upward from the surface will contain aircraft executing instrument approach procedures.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On Monday, November 10, 1997, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at St. Paul, MN (62 FR 60461). The proposal was to add controlled airspace extending upward from the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during periods when the control tower is closed.

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 designations for airspace areas designated as a surface area for an airport are published in paragraph 6002 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 14 CFR part 71 establishes Class E airspace at St. Paul, MN, to accommodate aircraft executing the published instrument approach procedures at St. Paul, Downtown Holman Field, during periods when the control tower is closed. Controlled airspace extending upward from the surface is needed to contain aircraft executing these approaches. The area will be depicted on appropriate aeronautical charts.

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 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—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 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]

2. 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 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL MN E2 St. Paul, MN [New]

St. Paul, Downtown Holman Field, MN
(lat. 44°56'04" N.; long. 93°03'36" W.)
South St. Paul Municipal Richard E. Fleming Field, MN
(lat. 44°51'26" N., long. 93°01'59" W.)

Within a 4.1-mile radius of the St. Paul, Downtown Holman Field, excluding that airspace within a 1-mile radius of South St. Paul Municipal, Richard E. Fleming Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98-3732 Filed 2-12-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AGL-58]

Modification of Class E Airspace; Escanaba, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Escanaba, MI. A VHF Omnidirectional Range (VOR) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 36 has been developed for Delta County Airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing the approach. This action enlarges the radius and adds a southern extension to the surface area, and enlarges the radius and adds a southern extension for the existing controlled airspace. This action also corrects the wording for the surface area, as given in the notice of proposed rulemaking, by deleting the part-time reference. This wording was included in error.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On Monday, November 10, 1997, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Escanaba, MI (62 FR 60462). The proposal was to add controlled airspace extending upward from the surface to contain aircraft conducting Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting 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 objecting to the proposal were received. Class E airspace designations for surface areas for an airport are published in paragraph 6002, and Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface 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