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 the Class E airspace area at Fremont, NE, by providing additional controlled airspace for aircraft executing the new SIAP to the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and route 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

Aviation, 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 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; 14 CFR 11.69.

71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

* * * * *

ACE NE E5 Fremont, NE [Revised]

Fremont Municipal Airport, NE
(Lat. 41°26′57″N., long. 96°31′13W.)
Fremong NDB
(Lat. 41°27′01″N., long. 96°31′05″W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Fremont Municipal Airport, and within 2.6 miles each side of the 306° bearing from the Fremont NDB extending from the 6.6-mile radius to 7 miles northwest of the airport, excluding that airspace within the Scribner, NE, Class E and the Wahoo, NE, Class E airspace areas.

* * * * *

Issued in Kansas City, MO, on May 9, 1997.

Jack L. Skelton,

Acting Manager, Air Traffic Division Central Region.

[FR Doc. 97–14982 Filed 6–6–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 97P–0031]

Food Labeling: Nutrient Content Claim for ''Plus''

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its food labeling regulations to include the term ''plus'' as a synonym for the term ''added.'' This action is in response to FDA's decision to grant a petition for the synonym filed by Nestle USA-Beverage Division Inc. FDA concludes that the term ''plus'' is a clear and unambiguous synonym for ''more,'' and is consistent with the terms ''added'' and ''extra.''

DATES: The regulation is effective July 9, 1997; written comments by July 9, 1997.

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

FOR FURTHER INFORMATION CONTACT: Carole L. Adler, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C. St. SW., Washington, DC 20204, 202–205–5483.

SUPPLEMENTARY INFORMATION:

I. Background

Section 403(r)(4) of the Federal Food, Drug, and Cosmetic Act (the act) provides that any person may petition the Secretary of Health and Human Services (and by delegation, FDA) to approve nutrient content claims that are not specifically provided for in FDA's regulations. In the **Federal Register** of January 6, 1993 (58 FR 2302), FDA published a final rule entitled, ''Food Labeling: Nutrient Content Claims, General Principles, Petitions, Definition of Terms; Definitions of Nutrient Content Claims for the Fat, Fatty Acid, and Cholesterol Content of Food'' (hereinafter referred to as ''nutrient content claims final rule''). The nutrient content claims final rule, among other things, defined specific nutrient content claims that included the terms ''good source,'' ''high,'' and ''more'' (§ 101.54 (21 CFR 101.54)) and established procedures for the submission and review of petitions regarding the use of nutrient content claims (§ 101.69 (21 CFR 101.69)). Section 101.69(n) establishes the procedures to petition for use of a synonymous term.

On January 14, 1997, FDA received a petition from Nestle USA-Beverage Division, Inc., 345 Spear St., San Francisco, CA 95105, to establish the term ''plus'' as a synonym for the terms ''more,'' ''added,'' and ''extra'' (Ref. 1). In accordance with procedures established in § 101.69(n), FDA evaluated the petition and concluded that the term ''plus'' is a clear and unambiguous synonym for the term ''more'' and, in particular, is consistent with the terms ''added'' and ''extra.'' Nestle USA-Beverage Division, Inc., stated in its petition that according to the definitions in current dictionaries, the word ''plus'' signifies ''increased by'' or ''with the addition of.'' Based on this information, FDA concluded that the term ''plus'' would be commonly understood to have the same meaning as ''more,'' and more specifically, ''added'' and ''extra.'' FDA advised the firm of this in a letter dated March 26, 1997 (Ref. 2). The agency also explained in the March 26, 1997, letter that the term ''plus'' is most closely synonymous with the term ''added'' in that it suggests that the labeled food has been altered compared to a similar reference food. Therefore, the agency concluded that the term ''plus'' as a relative claim must be used in the same way that the term ''added'' is used as specified in § 101.13(j)(1)(i)(B) (21 CFR 101.13(j)(1)(i)(B)).

In § 101.69(n)(4), FDA stated that as soon as practicable following the agency's decision to either grant or deny a petition for a synonymous term, it would publish a notice in the **Federal Register** informing the public of its decision, and that if it grants the petition, FDA will list the term in its nutrient content claims regulation. Therefore, in this document, the agency is amending §§ 101.13(j) and 101.54(e) to include the term ''plus'' as a synonym for the terms ''added'' and ''extra.''

II. Public Comment

This final rule announces an agency decision that FDA reached in accordance with a procedure established by statute. Notice and public procedure therefore are unnecessary. However, in accordance with 21 CFR 10.40(e)(1), FDA is providing 30 days for public comment on whether the announced action should be modified or revoked.

Interested persons may, on or before July 9, 1997, 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 through Friday.

III. Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) 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.

V. Analysis of Impacts

FDA has examined the economic implications of the final rule as required by Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612). 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. If a rule has a significant impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze options that would minimize the economic impact of that rule on small entities. FDA finds that this final rule is not a significant rule as defined by Executive Order 12866, and finds, under the Regulatory Flexibility Act, that the final rule will not have a significant impact on a substantial number of small entities (Ref. 3).

The costs of this regulation are anticipated to be small. FDA is aware that some firms are already using the term ''plus'' on product labels. The agency does not have sufficient information to determine how many of these claims satisfy the criteria described in this rulemaking. If any labels need revision, this rule will impose a small cost. Because FDA does not know the number of labels currently using the term ''plus'' that do not meet FDA's criteria, the agency cannot estimate the total costs of this regulation.

The benefit of this rule is increased flexibility on the part of manufacturers to inform consumers of the nutritional content of foods. The rule also provides the benefit of ensuring that the term will be used in food labeling in a truthful and nonmisleading way and in a way that will help consumers to construct a healthy diet.

The Regulatory Flexibility Act requires analyzing options for regulatory relief for small entities. According to the information currently available to the agency, of the relatively small number of products which use the term ''plus'' on their labels, none are produced by small entities. Accordingly, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commissioner of Food and Drugs certifies that this tentative final rule will not have a significant impact on a substantial number of small entities.

VI. References

The following references have been placed on public display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Nestle USA-Beverage Division, Inc., ''Petition for Synonymous Term 'Plus','' January 9, 1997.

2. Scarbrough, F. Edward, CFSAN, FDA, Letter to Kristin Adrian, Nestle USA-Beverage Division Inc., March 26, 1997.

3. Memorandum from L. M. Bush, FDA, Factual Basis for Small Business Certification of ''Plus,'' April 18, 1997.

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: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

§ 101.13 [Amended]

2. Section 101.13 *Nutrient content claims—general principles* is amended in paragraph (j)(1)(i)(B) by adding the word ''plus,'' before the word ''fortified''.

§ 101.54 [Amended]

3. Section 101.54 *Nutrient content claims for ''good source,''''high,'' and ''more''* is amended in the first sentence of the introductory text of paragraphs (e)(1) and (e)(2) by removing the words '''enriched,' 'added,' and 'extra''' and by adding in their place the words '''enriched,' 'added,' 'extra,' and 'plus'''.

Dated: May 2, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–14893 Filed 6–6–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 5, 26, 27, 95, 100, 110, 130, 136, 138, 140, 151, 153, 177

46 CFR Part 2

[CGD 96–052]

RIN 2105–AC63

Civil Money Penalties Inflation Adjustments

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations [CGD 96–052] which were published Tuesday, April 8, 1996 (62 FR 16695). The regulations incorporated into the Code of Federal Regulations (CFR) inflation adjustments for civil money penalties pursuant to the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

DATES: This rule is effective on June 9, 1997.

FOR FURTHER INFORMATION CONTACT: Greg Parks, Office of Regulations and Administrative Law at (202) 267–1534.