

operator elects to terminate the repetitive inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 221 Saab Model SAAB SF340A and SAAB 340B series airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection requirement of this AD on U.S. operators is estimated to be \$53,040, or \$240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-08-06 Saab Aircraft AB: Amendment 39-9572. Docket 95-NM-121-AD.

Applicability: Model SAAB. SF340A series airplanes having serial numbers (S/N) 004 through 159 inclusive, and Model SAAB 340B having S/N's 160 through 369 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent vibration-related stress and cracking and consequent deformation of the nose rib, which could result in friction and jamming between the fin and the rudder and subsequent reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 2,400 total flight hours, or within 800 flight hours after the effective date of this AD, whichever occurs later, perform a visual and dye penetrant inspection to detect cracks of the nose rib of the rudder, in accordance with Saab Service Bulletin 340-55-032, dated May 22, 1995.

(1) If no cracks are detected, repeat the inspection thereafter at intervals not to exceed 800 flight hours, or replace the nose rib with a new nose rib and reinforce it, in accordance with the service bulletin. Accomplishment of the replacement and reinforcement constitutes terminating action for this AD.

(2) If any minor crack [less than 25.4 mm (1.0 inch) long] is detected, prior to further flight, stop drill and blend the crack in accordance with the service bulletin. Repeat the inspection thereafter at intervals not to exceed 800 flight hours, or replace the nose

rib with a new nose rib and reinforce it, in accordance with the service bulletin. Accomplishment of the replacement and reinforcement constitutes terminating action for this AD.

(3) If any extensive crack [greater than or equal to 25.4 mm (1.0 inch) long] is detected, prior to further flight, replace the nose rib with a new nose rib and reinforce it, in accordance with the service bulletin. Accomplishment of this replacement and reinforcement constitutes terminating action for this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Saab Service Bulletin 340-55-032, dated May 22, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 23, 1996.

Issued in Renton, Washington, on April 10, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-9339 Filed 4-22-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 95-ANM-19]

Establishment of Class D Airspace; Vancouver, Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace at Pearson Field, Vancouver, Washington. This action is necessary to

enhance safety within the area which was previously excluded from the Portland International Airport (PDX) Class C airspace and commonly referred to as the Pearson Cutout. A minor change is also being made to the airport name, formerly called Pearson Airpark, and to the geographic coordinates of Pearson Field, Vancouver, Washington.

EFFECTIVE DATE: June 20, 1996.

FOR FURTHER INFORMATION CONTACT: James C. Frala, Operations Branch, ANM-532.4, Federal Aviation Administration, Docket No. 95-ANM-19, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone number: (206) 227-2535.

SUPPLEMENTARY INFORMATION:

History

On November 9, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Pearson Field, Vancouver, Washington (60 FR 56539). This proposal was the product of an airspace and procedural review of new instrument approach procedures to PDX and an analysis of the Pearson Field/Portland International utilization of airspace west of PDX. This rule was proposed to minimize potential conflicts and mitigate wake turbulence concerns. The proposed establishment of Class D airspace at Pearson Field requires pilots operating in the airspace to be in communication with the controlling Air traffic facility so that traffic information and wake turbulence advisories can be issued. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. This action is the same as the proposal except the airport name and coordinates have been changed in this document to reflect information published in the National Flight Data Digest Number 226, dated November 24, 1995. Additionally, a change is made to reflect the dates and times the Class D airspace area is effective.

Discussion of Comments

A total of 17 individuals submitted written comments to FR Doc. 95-27830, Notice of Proposed Rulemaking (NPRM) 95-ANM-19. Additionally, verbal comments were expressed by some of the approximately 350 persons attending informal aviation gatherings. The FAA considered these comments in the adoption of this rule. Comments submitted on NPRM 95-ANM-19 reflect the views of a broad spectrum of the aviation public including individuals and organizations representing commercial and general aviation pilots.

Organizations that commented include Air Line Pilots Association (ALPA); Delta Air Lines, Inc.; Port of Portland; Experimental Aircraft Association; The City of Vancouver, Washington; Clark County Airport Owners and Managers Association; and the Washington Pilots Association.

Of the 17 who submitted written comments to the docket, 6 commenters supported and 11 commenters opposed the establishment of Class D airspace. Of the 6 supporting comments, 5 commenters agreed that this action would promote safety for users at both PDX and Pearson Field.

One commenter (ALPA) would support the establishment of Class D airspace if additional restrictions, such as requiring an operating transponder, segregating Pearson Field traffic from PDX traffic, and lowering the Pearson Field traffic pattern altitude to 700 feet mean sea level, were included in the proposed action. These suggested restrictions were evaluated and determined to be excessive and not necessary for safety. Lowering the Pearson Field pattern altitude to 700 feet would place pilots in closer proximity to terrain and to people and property on the ground. This option was rejected because it contradicts the purpose of the rule which is to enhance safety.

Of the 11 commenters opposing the rule, one commenter felt that the proposed action was an attempt to close Pearson Field. The FAA did not consider closing Pearson Field as an option. Rather, the FAA is committed to mitigating airspace management issues when airports are in close proximity to each other. The purpose of this rulemaking is to allow Pearson Field to continue to operate safely in close proximity to its larger neighbor. Three commenters felt that the proposed action would introduce jet traffic to a new route over Pearson Field and in close proximity to downtown Vancouver, Washington. Four commenters expressed concern for increased jet noise. The establishment of Class D airspace introduces a communication requirement only. No new jet routes will result from this action and this airspace action does not alter existing flight tracks. Jet noise will not be altered by this rule. Two commenters suggested that the approaches to PDX should be offset to the south to avoid conflicts in traffic flows. This option is not viable for two reasons. First, the rising terrain and obstructions southwest of the airport create serious safety obstacles to safe instrument approaches. Second, if it was feasible to offset the approaches to

the south, the approach minimums would be very high due to the terrain and the fact that the approach would not be aligned with the runway. As a result, offsetting the approaches would have an adverse effect on airport capacity. Three commenters expressed concerns for wake turbulence generated by aircraft landing and departing PDX. The FAA shares these concerns as demonstrated by this rule that is intended to facilitate the transfer of wake turbulence information to Pearson Field users. In addition to the traffic and wake turbulence advisories resulting from this rule, the FAA has agreed to assist in presentation of wake turbulence training for Pearson Field operators and to publish cautionary advisories where appropriate.

Two commenters were opposed to the action due to the additional cockpit workload of radio communications and the financial burden of acquiring a radio. The FAA recognizes that the requirement for radio communications will have some impact on users at Pearson Field, particularly those who do not have radio-equipped aircraft. However, due to the proximity of the two airports and the need to minimize potential conflicts and mitigate wake turbulence concerns, some airspace safety change is necessary. Prior to this rulemaking, FAA Air Traffic and Flight Standards personnel met with customer representatives for Pearson Field and PDX to seek solutions and minimize impacts on users at the airports. It was generally agreed that establishing Class D airspace at Pearson Field would satisfy safety concerns while imposing the least restrictions on users. Furthermore, the FAA and Pearson pilots are developing procedures for non-radio aircraft operations at Pearson Field.

The Clark County Airport Owners and Managers Association objects to this proposed action suggesting it violates their constitutional rights. They claim Grandfather Rights to the airspace in and around their airports because those airports were in existence many years prior to PDX. Title 49 United States Code, section 40103 charges the FAA with the responsibility to regulate the use of airspace for efficiency and safety. As mentioned previously, the purpose of this rule is to preserve safe operations at Pearson. This rule does not address the operation of PDX or the effects of that airport's operations on surrounding airports other than Pearson.

One commenter provided comments that were unrelated to the proposal.

During the comment period, verbal responses relating to this proposed airspace action were heard at several

aviation gatherings. Instructions and the appropriate address for submitting written comments were disseminated to the approximately 360 pilots at those gatherings who expressed an interest in this rulemaking. Verbal comments from those gatherings were noted. In general, most pilots of aircraft equipped with electrical systems expressed agreement with the rule. There was a suggestion that a control tower may be necessary at Pearson. However, others felt a control tower was neither needed nor wanted. In fact, the activity level at Pearson does not approach the level established by the FAA to support a control tower. Some expressed concern that traffic at Pearson would be delayed for PDX traffic either by denying access to the Class D airspace for aircraft arriving at Pearson, or by requiring aircraft departing Pearson Field to hold on the ground until separation from PDX traffic could be achieved. Separation services are not provided for aircraft operating under visual flight rules in Class D airspace. Air Traffic will not be controlling the flow of aircraft arriving at or departing from Pearson.

The Rule

This amendment to part 71 of Federal Aviation Regulations establishes Class D airspace at Pearson Field, Vancouver, Washington. 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. It, therefore, (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).

The Proposed 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; 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 the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *
ANM WA D Vancouver, WA
Vancouver, Pearson Field, WA
(lat. 45°37'14"N, long. 122°39'23"W)
Portland International Airport, OR
(lat. 45°35'19"N, long. 122°35'51"W)

That airspace extending upward from the surface to but not including 1,100 feet MSL in an area bounded by a line beginning at the point where the 019° bearing from Pearson Field intersects the 5-mile arc from Portland International Airport extending southeast to a point 1 1/2 miles east of Pearson Field on the extended centerline of Runway 8/26, and thence south to the north shore of the Columbia River, thence west via the north shore of the Columbia River to the 5-mile arc from Portland International Airport and thence clockwise via the 5-mile arc to point of beginning. 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.

* * * * *

Issued in Seattle, Washington, on April 8, 1996.

Richard E. Prang,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 96-9992 Filed 4-22-96; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 94F-0358]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acidified solutions of sodium chlorite in poultry processing water. This action is in response to a petition filed by Alcide Corp.

DATES: Effective April 23, 1996; written objections and requests for a hearing by May 23, 1996. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications listed in new § 173.325, effective April 23, 1996.

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

FOR FURTHER INFORMATION CONTACT:

Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS-217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, 202-418-3074.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 1, 1994 (59 FR 54609), FDA announced that a food additive petition (FAP 4A4433) had been filed by Alcide Corp., Inc., 8561 154th Ave. NE., Redmond, WA 98052, proposing that the food additive regulations be amended to provide for the safe use of acidified solutions of sodium chlorite/chlorous acid in poultry processing water.

FDA has evaluated data in the petition and other relevant material and has consulted with scientists in the Food Safety and Inspection Service in the U.S. Department of Agriculture concerning the technological and practical aspects of the proposed use of acidified solutions of sodium chlorite. The agency concludes that the proposed use of the additive is safe and will have the intended technical effect of reducing microbial contamination on poultry. The agency also concludes that the regulation approving the additive should be entitled "acidified sodium chlorite solutions." Acidification of sodium chlorite results in partial conversion of chlorite to chlorous acid. Also, in the notice of filing, FDA announced that the petition proposed to allow the use of any of the following acids to prepare acidified sodium chlorite solutions: Phosphoric acid, citric acid, hydrochloric acid, lactic acid, malic acid, or sulfuric acid. These acids are all generally recognized as safe (GRAS) acids. The agency has concluded that the use of any GRAS acid is appropriate, and is codifying this conclusion in the regulation. Therefore, 21 CFR part 173 is amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to