

those actions in the future if this AD were not adopted.

Regulatory Impact

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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

97-04-19 SAAB Aircraft AB: Amendment 39-9944. Docket 96-NM-236-AD.

Applicability: Model SAAB 2000 series airplanes, serial number 004 through 035 inclusive, equipped with a disconnect unit having part number (P/N) 7327305-511 or -512; 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 the disconnect unit from opening inadvertently, which could lead to inadequate rudder control, if the engine fails during take-off or go-around and if the airplane is at low speed, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a visual inspection to determine if rudder disconnection has occurred, in accordance with Saab Service Bulletin 2000-A27-020, dated March 25, 1996.

(1) If no disconnection has occurred, within 6 months after the effective date of this AD, replace the disconnect unit with a new disconnect unit, in accordance with Saab Service Bulletin 2000-27-021, Revision 1, dated June 19, 1996. After replacement, no further action is required by this AD.

(2) If disconnection has occurred, prior to further flight, replace the disconnect unit with a new disconnect unit, in accordance with Saab Service Bulletin 2000-27-021, Revision 1, dated June 19, 1996. After replacement, no further action is required by 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 inspection shall be done in accordance with Saab Alert Service Bulletin 2000-A27-020, dated March 25, 1996. The replacement shall be done in accordance with Saab Service Bulletin 2000-27-021, Revision 1, dated June 19, 1996. 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 March 31, 1997.

Issued in Renton, Washington, on February 13, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-4198 Filed 2-21-97; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 97-ACE-3]

Airport Name Change; Johnson County Industrial Airport, Olathe, KS

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule; amendment.

SUMMARY: This amendment changes the name of the Johnson County Industrial Airport, Olathe, KS to New Century Aircenter, Olathe, KS for the class D and E5 airspace.

EFFECTIVE DATE: February 24, 1997.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Operations Branch, ACE-530C, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106; telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

In February 1995, the name of the Johnson County Industrial Airport, Olathe, KS was changes to New Century Aircenter. FAA Order 7400.9D was not amended to reflect this change. This docket amends that Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the name of Johnson County Industrial Airport to New Century Aircenter. The FAA has determined that this regulation only involves a technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it (1) is not a "significant regulatory action" under Executive Order 12886; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 CFR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipate impact is so minimal. Since this is a routine matter that will only affect an airport name, it is certified that this rule, when promulgated, 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—[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 the 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 5000 Class D Airspace

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ACE KS D Olathe, KS [Amend]

Olathe, New Century Aircenter, KS
(Lat. 38°49'54" N., long. 94°53'24" W.)

* * * * *

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

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ACE KS E5 Olathe, KS [Amend]

Olathe, New Century Aircenter, KS
(Lat. 38°49'54" N., long. 94°53'24" W.)

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Issued in Kansas City, MO, on February 6, 1997.

Herman J. Lyons, Jr.,
Manager, Air Traffic Division, Central Region.

[FR Doc. 97–4501 Filed 2–21–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 131 and 133

[Docket Nos. 95P–0125, 95P–0250, 95P–0261, and 95P–0293]

Lowfat and Skim Milk Products, Lowfat Cottage Cheese: Revocation of Standards of Identity

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; response to objection and denial of the request for a hearing; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is responding to objections and is denying the requests that it received for a hearing on the final rule removing the standards of identity for lowfat milk and skim milk as well as those for other lower-fat dairy products. After reviewing the objections to the final rule, the agency has concluded that the objections do not raise issues of material fact that justify granting a hearing. Therefore, FDA is confirming the effective date for the final rule. The final rule was based, in part, on petitions filed jointly by the Milk Industry Foundation and the Center for Science in the Public Interest and on a petition filed by the American Dairy Products Institute. This action is also part of the agency's ongoing review of existing regulations under President Clinton's Regulatory Reinvention Initiative.

DATES: Effective date confirmed: January 1, 1998. This rule is applicable to all products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Compliance may begin on November 20, 1996. Any labels or labeling that require revision as a result of this revocation shall comply no later than January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, 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—The Final Regulation

In the Federal Register of November 20, 1996 (61 FR 58991), FDA issued a final rule entitled “Lowfat and Skim Milk Products, Lowfat and Nonfat Yogurt Products, Lowfat Cottage Cheese: Revocation of Standards of Identity; Food Labeling, Nutrient Content Claims For Fat, Fatty Acids and Cholesterol Content of Food” which removed the standards of identity for the following lower-fat dairy products: Sweetened condensed skimmed milk (21 CFR 131.122), lowfat dry milk (21 CFR 131.123), evaporated skimmed milk (21 CFR 131.132), lowfat milk (21 CFR 131.135), acidified lowfat milk (21 CFR 131.136), cultured lowfat milk (21 CFR 131.138), skim milk (21 CFR 131.143), acidified skim milk (21 CFR 131.144), cultured skim milk (21 CFR 131.146), sour half-and-half (21 CFR 131.185), acidified sour half-and-half (21 CFR

131.187), and lowfat cottage cheese (21 CFR 133.131) (the November 1996 final rule). The final regulation also amended the standard of identity for dry cream in 21 CFR 131.149 by removing the reference to 21 CFR 131.135 (the lowfat milk standard). FDA announced that it was deferring action, for 120 days, on its proposal to remove the standards of identity for lowfat and nonfat yogurt (21 CFR 131.203 and 131.206). Further, the final rule amended the nutrient content claims regulations for fat, fatty acids, and cholesterol content to provide for “skim” as a synonym for “nonfat” when used in labeling milk products.

Interested persons had until December 20, 1996, to file written objections to the revisions in parts 131 and 133 (21 CFR parts 131 and 133) or to request a hearing on the specific provisions to which there were objections. FDA received one letter, from Mid-America Dairymen, Inc., Associated Milk Producers, Inc., and Swiss Valley Farms (hereinafter referred to as “Mid-America” or “the objector”) containing objections to portions of the November 1996 final rule and requests for a hearing on those objections. Under section 701(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)), FDA has carefully considered the objections and requests for a hearing, and other responses. The specific objections and the agency's conclusions follow.

II. Standards for Granting a Hearing

Section 701(e) of the act provides that, within 30 days after publication of an order relating to standards of identity for dairy products, any person adversely affected by such an order may file objections, specifying with particularity the provisions of the order “deemed objectionable, stating the grounds therefor,” and requesting a public hearing based upon such objections. FDA may deny a hearing request if the objections to the regulation do not raise genuine and substantial issues of fact that can be resolved at a hearing (*Community Nutrition Institute v. Young*, 773 F.2d 1356, 1364 (D.C. Cir. 1985), *cert. denied*, 475 U.S. 1123 (1986)). Specific criteria for determining whether a request for a hearing is justified are set forth in 21 CFR 12.24(b).

A party seeking a hearing is required to meet a “threshold burden of tendering evidence suggesting the need for a hearing.” (See *Costle v. Pacific Legal Foundation*, 445 U.S. 198, 214–215 (1980) *reh. den.*, 445 U.S. 947 (1980), citing *Weinberger v. Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 620–621 (1973).) If a hearing request fails to identify any factual evidence