

Dated: March 27, 2002.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Ch. III

[Docket No. 02-005N]

#### Regulatory Flexibility Act; Plan for Regulations Reviewed Under Section 610 Requirements

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Schedule of regulations to be reviewed under section 610 requirements of the Regulatory Flexibility Act.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is publishing a scheduling plan for regulations that will be reviewed based on the Regulatory Flexibility Act's (RFA)

Section 610 provisions. These provisions provide that all Federal agencies are to review existing regulations that have a significant economic impact on a substantial number of small entities to determine whether these rules should be withdrawn, modified, or left intact as a means to minimize the impact imposed. As such, FSIS has identified regulations that meet this threshold requirement for mandatory review. Accordingly, these rules will be reviewed within the timeframes indicated below.

#### FOR FURTHER INFORMATION CONTACT:

Daniel Engeljohn, Ph.D., Director, Regulations and Directives Development Staff, FSIS, USDA, 300 12th Street, SW., Room 112, Washington, DC 20250-3700, (202) 720-5627.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 610 of the Regulatory Flexibility Act instructs all federal agencies to review any regulations that have been identified as having a significant economic impact on a substantial number of small entities as a means to determine whether the associated impact can be minimized by

considering the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been initially evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. In accordance with the aforementioned provisions, the mandatory reviews must be conducted and completed within ten years succeeding the rule's publication date.

Accordingly, FSIS has prepared a plan for reviewing its rules. In addition, a brief description of the regulation, which includes the purpose for its promulgation and the legal basis, scheduled to be reviewed during the corresponding year identified below will be included in FSIS' regulatory agenda that is printed in the **Federal Register** as part of the Unified Regulatory Agenda.

#### FOOD SAFETY AND INSPECTION SERVICE'S REGULATIONS IDENTIFIED FOR THE REGULATORY FLEXIBILITY ACT'S SECTION 610 REVIEW

CFR part(s) affected and legal authority	Docket No.	Regulation title	Publication citation and date	Re-view date
9 CFR Pts. 317, 318, 319; 21 U.S.C. 607, 621; 7 CFR 2.18, 2.53 .	81-016F	Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It is Used .	47 FR 28214; June 29, 1982 .	2002
9 CFR Pts. 317, 320, 381; 21 U.S.C. 451-470, 601-695; 7 U.S.C. 450; 7 CFR 2.18, 2.53 .	91-006F	Nutrition Labeling of Meat and Poultry Products .	58 FR 632; January 6, 1993 .	2003
9 CFR Pts. 317, 381; 21 U.S.C. 451-470, 601-695; 7 U.S.C. 450; 7 CFR 2.18, 2.53 .	91-006F-HLTH	Nutrition Labeling; Use of "Healthy" and Similar Terms on Meat and Poultry Product Labeling .	59 FR 24220; May 10, 1994 .	2004
9 CFR Pts. 304, 308, 310, 320, 327, 381, 416, 417; 21 U.S.C. 451-470, 601-695; 7 U.S.C. 138f, 450, 1901-1906; 7 CFR 2.18, 2.53 .	93-016F	Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems .	61 FR 38806; July 25, 1996 .	2006
9 CFR Pts. 381, 424; 21 U.S.C. 451-470; 7 U.S.C. 138f, 450; 7 CFR 2.18, 2.53 .	97-076F	Irradiation of Meat Food Products .....	64 FR 72150; December 29, 1999 .	2009
9 CFR Pts. 381, 441; 21 U.S.C. 451-470, 601-695; 7 U.S.C. 138f, 450, 1901-1906; 7 CFR 2.18, 2.53 .	97-054F	Retained Water in Raw Meat and Poultry Products; Poultry Chilling Requirements .	66 FR 1750; January 9, 2001 .	2011

Done at Washington, DC, on: March 28, 2002.

**Margaret O'K. Glavin,**  
*Acting Administrator.*

[FR Doc. 02-7917 Filed 4-1-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 02-AGL-01]

#### **Proposed Establishment of Class D Airspace, Proposed Modification of Class E Airspace, Marquette, MI**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This Document proposes to create Class D airspace, and modify Class E airspace at Marquette, MI. The opening of a Federal Contract Tower is being planned for the Sawyer International Airport. Class D airspace is required during the hours the control tower is operating. Sawyer International Airport is served by Federal Aviation Regulations Part 121 (14 CFR 121) air carriers operations. During periods when the control tower is closed, controlled airspace extending upward from the surface is needed to contain aircraft executing instrument flight procedures and provide a safer operating environment. The airport meets the minimum communications and weather observation and reporting requirements for controlled airspace extending upward from the surface. This action proposes to create Class D airspace, and modify Class E airspace with a 4.6-mile radius for this airport.

**EFFECTIVE DATE:** Comments must be received on or before May 6, 2002.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Regional Counsel, AGL-7, Rules Docket No. 02-AGL-01, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Denis C. Burke, Air Traffic Division, Airspace Branch, AGL-520, Federal

Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 02-AGL-01." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket.

##### **Availability of NPRM's**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

##### **The Proposal**

The FAA is considering an amendment to 14 CFR part 71 to create

Class D airspace, and modify Class E airspace at Marquette, MI, to support the operation of a Federal Contract Tower, and to provide a safer operating environment after the tower is closed. Controlled airspace extending from the surface of the earth is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class D airspace areas are published in paragraph 5000 and Class E airspace areas extending upward from the surface in paragraph 6002, of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed 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 proposed 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**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 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 7400.9J, Airspace