

will provide adequate Class E airspace for IFR operations at Merritt Island Airport.

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. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994. 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) establishes Class E airspace at Cocoa, FL, to accommodate at NDB RWY 11 SIAP and for IFR operations at Merritt Island Airport. The operating status of the airport will be changed from VFR to include IFR operations concurrent with publication of the SIAP.

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).

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 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet Above the Surface of the Earth

* * * * *

ASO FL E5 Cocoa FL [New]

Merritt Island Airport, FL
(Lat 28°20'30"N, long. 80°41'08"W)
Merritt Island NDB
(Lat 28°20'27"N, long. 80°41'18"W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Merritt Island Airport and within 2.5 miles each side of the 127° bearing from the Merritt Island NDB, extending from the 6.3-mile radius to 7 miles northeast of the NDB; excluding that airspace within the Titusville, FL, and Melbourne, FL, Class E airspace areas.

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Issued in College Park, Georgia, on June 16, 1995.

Stanley Zylowski,

*Acting Manager, Air Traffic Division,
Southern Region.*

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 189

[Docket Nos. 82P–0371 and 91N–0165]

Lead-Soldered Food Cans

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its food additive regulations to prohibit the use of lead solder to manufacture cans for packaging foods. FDA concludes that the available toxicological and exposure data for lead demonstrate that the use of lead solder to manufacture cans for packaging food may be injurious to the public health, particularly that of fetuses, infants, and children. This final regulation also responds to a citizen petition requesting that the agency require that warning labels be placed on food cans that contain lead solder.

DATES: *Effective:* December 27, 1995. Written objections and requests for a hearing by July 27, 1995. Compliance

date for affected products initially introduced or initially delivered for introduction into interstate commerce is December 27, 1995. Existing stocks of lead-soldered canned foods will be allowed to be offered for sale until June 27, 1996, so long as the level of lead in the food packaged in such cans is not such that the food may be rendered injurious to health.

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

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3093.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 21, 1993 (58 FR 33860), FDA published a proposal to prohibit the use of lead solder to manufacture food cans. The proposal was in response to the agency's determination that: (1) The current daily dietary lead intakes of infants and children approach or may exceed the provisional total tolerable intake level (PTTIL) that the agency has established for lead for these population groups; (2) the use of lead solder in food cans adds lead to food which may render it injurious to health, particularly that of fetuses, infants, and children; and (3) lead solder is not required to manufacture food cans and can be avoided. Therefore, the agency proposed not to codify in its regulations the prior sanction for lead solder used in food cans but to prohibit this use.

In a notice published in the **Federal Register** of April 1, 1993 (58 FR 17233), the agency announced emergency action levels for lead in food packaged in lead-soldered cans. These action levels are an interim measure to protect infants and young children from adverse effects that could result from regular consumption of foods packaged in lead-soldered cans, pending completion of the rulemaking to prohibit the use of lead solder in food cans. After the 1-year period allowed for sale of existing stocks of lead-soldered canned foods, these emergency action levels will no longer be needed and will be considered as withdrawn by the agency.

This final rule amends the food additive regulations to prohibit the use of lead solder in cans to package food. In addition, with completion of this rulemaking, FDA is responding to a citizen petition requesting that the agency require warning labels on food