

Administration Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

*Paragraph 6002 Class E Airspace  
Designated as Surface Areas*

\* \* \* \* \*

**ACE IA E2 Davenport, IA**

Davenport Municipal Airport, IA  
(Lat. 41°36'37" N., long. 90°35'18" W.)

Within a 4.1-mile radius of Davenport Municipal Airport. This Class E 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 Kansas City, MO, on February 13, 2003.

**Paul J. Sheridan,**

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

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**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2003-14460; Airspace  
Docket No. 03-ACE-13]

**Modification of Class E Airspace;  
Clinton, IA**

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

**ACTION:** Direct final rule; request for  
comments.

**SUMMARY:** This action modifies Class E airspace at Clinton, IA. An examination of controlled airspace for Clinton, IA, initiated by National Geodetic Surveys (NGS), of Clinton Municipal Airport, IA and associated navigational aids, revealed discrepancies in the location of these navigational aids. This action corrects the discrepancies by modifying the Clinton, IA Class E2 and Class E5 airspace areas. It also incorporates the revised locations of the Davenport collocated very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC) and the Clinton nondirectional radio beacon (NDB) in the Class E2 and E5 airspace legal descriptions.

**DATES:** This direct final rule is effective on 0901 UTC, July 10, 2003.

Comments for inclusion in the Rules Docket must be received on or before May 1, 2003.

**ADDRESSES:** Send comments on this proposal to the Docket Management

System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2003-14460/Airspace Docket No. 03-ACE-13, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2525.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 modifies the Class E airspace designated as a surface area and the Class E airspace area extending upward from 700 feet or more above the surface at Clinton, IA. It incorporates the revised locations of Davenport VORTAC and Clinton NDB and brings the legal descriptions of these airspace areas into compliance with FAA Order 7400.2E, Procedures for Handling Airspace Matters. The areas will be depicted on appropriate aeronautical charts. Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of the same FAA Order. The Class E designations listed in this document will be published subsequently in the Order.

**The Direct Final Rule Procedure**

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objection. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal**

**Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

**Comments Invited**

Interested parties are invited to participate in this 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 both docket numbers 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 Docket No. FAA-2003-14460/Airspace Docket No. 03-ACE-13." The postcard will be date/time stamped and returned to the commenter.

**Agency Findings**

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference,  
Navigation (air).

**Adoption of the Amendment**

Accordingly, the Federal Aviation  
Administration amends 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 Federal Aviation  
Administration Order 7400.9K, dated  
August 30, 2002, and effective  
September 16, 2002, is amended as  
follows:

*Paragraph 6002 Class E Airspace  
Designated as Surface Areas*

\* \* \* \* \*

**ACE IA E2 Clinton, IA**

Clinton Municipal Airport, IA  
(Lat. 41°49'52" N., long. 90°19'45" W.)  
Davenport VORTAC  
(Lat. 41°42'31" N., long. 90°29'00" W.)  
Clinton NDB

(Lat. 41°49'44" N., long. 90°19'39" W.)  
Within a 4.1-mile radius of Clinton  
Municipal Airport and within 2.6 miles each  
side of the 044° radial of the Davenport  
VORTAC extending from the 4.1-mile radius  
to the VORTAC and within 2.6 miles each  
side of the 316° bearing from the Clinton  
NDB extending from the 4.1-mile radius to  
7.4 miles northwest of the airport and within  
2.2 miles each side of the 030° bearing from  
the Clinton NDB extending from the 4.1-mile  
radius to 5.3 miles northeast of the airport.  
This Class E 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.

\* \* \* \* \*

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

\* \* \* \* \*

**ACE IA E5 Clinton, IA**

Clinton Municipal Airport, IA  
(Lat. 41°49'52" N., long. 90°19'45" W.)  
Davenport VORTAC

(Lat. 41°42'31" N., long. 90°29'00" W.)  
Clinton NDB  
(Lat. 41°49'44" N., long. 90°19'39" W.)

That airspace extending upward from 700  
feet above the surface within a 6.6-mile  
radius of Clinton Municipal Airport and  
within 1.8 miles each side of the 044° radial  
of the Davenport VORTAC extending from  
the 6.6-mile radius to the VORTAC and  
within 4.5 miles each side of the 316° bearing  
from the Clinton NDB extending to 10.5  
miles northwest of the NDB and within 1  
mile each side of the 146° bearing from the  
airport extending from the 6.6-mile radius to  
9.5 miles southeast of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on February 13,  
2003.

**Paul J. Sheridan,**

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

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**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**Food and Drug Administration****21 CFR Part 172**

[Docket No. 02F-0160]

**Food Additives Permitted for Direct  
Addition to Food for Human  
Consumption; Vitamin D<sub>3</sub>**

**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 vitamin D<sub>3</sub> as a nutrient  
supplement in calcium-fortified fruit  
juices and juice drinks, excluding fruit  
juices and juice drinks specially  
formulated or processed for infants, at  
levels not to exceed 100 International  
Units (IU) per reference amount  
customarily consumed (RACC). This  
action is in response to a petition filed  
by The Minute Maid Co.

**DATES:** This rule is effective February  
27, 2003. Submit written objections and  
requests for a hearing by March 31,  
2003. The Director of the Office of the  
**Federal Register** approves the  
incorporation by reference of certain  
publications in § 172.380 (21 CFR  
172.380) as of February 27, 2003.

**ADDRESSES:** Submit written objections  
and requests for a hearing to the Dockets

Management Branch (HFA-305), Food  
and Drug Administration, 5630 Fishers  
Lane, rm. 1061, Rockville, MD 20852.  
Submit electronic objections to [http://  
www.fda.gov/dockets/ecomments](http://www.fda.gov/dockets/ecomments).

**FOR FURTHER INFORMATION CONTACT:**

Judith L. Kidwell, Center for Food  
Safety and Applied Nutrition (HFS-  
265), Food and Drug Administration,  
5100 Paint Branch Pkwy., College Park,  
MD 20740, 202-418-3354.

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**I. Introduction**

In a notice published in the **Federal  
Register** of April 25, 2002 (67 FR  
20533), FDA announced that a food  
additive petition (FAP 2A4734) had  
been filed by The Minute Maid Co., c/  
o King and Spalding, 1700 Pennsylvania  
Ave. NW., Washington, DC 20006. The  
petition proposed that the food additive  
regulations be amended in 21 CFR part  
172 to provide for the safe use of  
vitamin D<sub>3</sub> in calcium-fortified fruit  
juices and juice drinks at levels not to  
exceed 100 IU per RACC<sup>1</sup>.

Vitamin D<sup>2</sup> is affirmed as generally  
recognized as safe (GRAS) in  
§ 184.1950(c)(1) (21 CFR 184.1950(c)(1)),  
in accordance with 21 CFR 184.1(b)(2),  
for use as a nutrient supplement, as  
defined in 21 CFR 170.3(o)(20), as the  
sole source of added Vitamin D in foods  
within the limitations specified in the  
following table:

<sup>1</sup>RACC values represent the amount of food  
typically consumed per eating occasion. The RACC  
for fruit juices and juice drinks intended for the  
general population is 240 milliliters (mL) (21 CFR  
101.12).

<sup>2</sup>Vitamin D comprises a group of fat soluble seco-  
sterols and comes in many forms. The two major  
physiologically relevant forms are vitamin D<sub>2</sub> and  
vitamin D<sub>3</sub>. Vitamin D without a subscript  
represents either D<sub>2</sub> or D<sub>3</sub>. As used in § 184.1950,  
the meaning of the term vitamin D includes  
crystalline vitamin D<sub>2</sub>, crystalline vitamin D<sub>3</sub> and  
vitamin D<sub>2</sub> resin, and vitamin D<sub>3</sub> resin.