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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AI05

Federal Employees Health Benefits Program: Removal of Minimum Salary Requirement

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to remove an obsolete provision that prohibits an employee whose annual salary is $350 or less from enrolling in the Federal Employees Health Benefits (FEHB) Program.

EFFECTIVE DATE: June 26, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Lease, 202–606–0004.

SUPPLEMENTARY INFORMATION: On January 6, 1998, OPM published a proposed rule in the **Federal Register** (63 FR 446) to remove an obsolete provision that prohibits an employee earning $350 or less per year from enrolling in the FEHB Program. This provision was based on the fact that, until they were amended in 1982, FEHB regulations required that employee contributions to premiums could only be made by salary withholding while an employee was in a pay status. ($350 is the amount which, when the Program began in 1960, was sufficient to cover the appropriate employee contributions for the least costly FEHB plan.) As amended in August 1982, however, the regulations now require enrollee contributions, by direct payment if necessary, for all periods during which coverage continues, even periods during which an employee does not receive pay (such as a leave without pay situation).

We also proposed to amend the reference in the definition of *letter of credit* under § 890.101 to conform to a recent reference change in Chapter 16 of title 48, Code of Federal Regulations (FEHBAR).

We received no comments.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it primarily affects Federal employees.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended, § 890.102 also issued under sections 11202(f), 11232(e), and 11246(b) and (c) of Pub. L. 105–33, 111 Stat. 251.

2. In § 890.101, paragraph (a), the definition of *Letter of Credit* is revised to read as follows:

§ 890.101 Definitions; time computations.

(a) * * *

Letter of credit is defined in 48 CFR 1602.170–10.

* * * * *

§ 890.102 [Amended]

3. In § 890.102, paragraph (c)(4) is removed and paragraphs (c)(5), (c)(6), (c)(7), and (c)(8) are redesignated as paragraphs (c)(4), (c)(5), (c)(6), and (c)(7) respectively.

4. In § 890.303, paragraph (b) is revised to read as follows:

§ 890.303 Continuation of enrollment.

* * * * *

(b) *Change of enrolled employees to certain excluded positions.* Employees and annuitants enrolled under this part who move, without a break in service or after a separation of 3 days or less, to an employment in which they are excluded by § 890.102(c), continue to be enrolled unless excluded by paragraphs (c) (4), (5), (6), or (7) of § 890.102.

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[FR Doc. 98–13922 Filed 5–26–98; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–12]

Amendment to Class E Airspace; Knoxville, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Knoxville Municipal Airport, Knoxville, IA. The FAA has developed Global Positioning System (GPS) Runway (RWY) 15 and RWY 33 Standard Instrument Approach Procedures (SIAPs) to serve Knoxville Municipal Airport. Additional controlled airspace extending upward form 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 15 and GPS RWY 33 SIAPs in controlled airspace. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 15 and GPS RWY 33 SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, August 13, 1998.

Comments for inclusion in the Rules Docket must be received on or before June 15, 1998.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 98–ACE–12, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 15 and GPS RWY 33 SIAPs to serve the Knoxville Municipal Airport, Knoxville, IA. The amendment to Class E airspace at Knoxville, IA, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward form 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation 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 objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. 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

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–ACE–112.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 to preparation of a Federalism Assessment.

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 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

ACE IA E5 Knoxville, IA [Revised]

Knoxville Municipal Airport, IA
(Lat. 41°17′56″ N., long. 93°06′50″ W.)
Knoxville NDB
(Lat. 41°17′45″ N., long. 93°06′51″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Knoxville Municipal airport and within 2.6 miles each side of the 145° bearing from the Knoxville NDB extending from the 6.8-mile radius to 7 miles southeast of the airport and with 2.6 miles each side of the 340° bearing from the Knoxville NDB extending from the 6.8-mile radius to 7 miles northwest of the airport, exclusion that

airspace within the Knoxville, IA, Class E airspace area.

* * * * *

Issued in Kansas City, MO, on March 31, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–13995 Filed 5–26–98; 8:45 am]

BILLING CODE 13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 88G–0288]

Direct Food Substances Affirmed As Generally Recognized as Safe; Sheanut Oil

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to affirm that the use of sheanut oil as a direct human food ingredient is generally recognized as safe (GRAS). This action is in response to a petition filed by Fuji Oil Co., Ltd.

DATES: The regulation is effective May 27, 1998.

FOR FURTHER INFORMATION CONTACT: William J. Trotter, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3088.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the procedures described in § 170.35 (21 CFR 170.35), Fuji Oil Co., Ltd., 6–1, Hachiman-Cho, Minami-Ku, Osaka 542, Japan, submitted a petition (GRASP 8G0343) requesting that sheanut oil be affirmed as GRAS for use as a direct food ingredient.

FDA published a notice of filing of this petition in the **Federal Register** of September 30, 1988 (53 FR 38347), and gave interested parties an opportunity to submit comments to the agency. FDA received three comments in response to that notice. These comments are discussed in section VIII of this document.

II. Standards for GRAS Affirmation

Under § 170.30 (21 CFR 170.30), general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances. The basis of such views may be either: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, through experience based on common use in food (§ 170.30(a)). General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of a food additive and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (§ 170.30(b)). General recognition of safety through experience based on common use in food prior to January 1, 1958, may be determined without the quantity or quality of scientific procedures required for approval of a food additive, but ordinarily is to be based upon generally available data and information concerning the pre-1958 history of use of the food ingredient (§ 170.30(c)(1)). In evaluating this petition, the agency reviewed information and data on the history of sheanut oil use and on published and unpublished safety studies for sheanut oil.

III. Identity and Specification

Sheanut oil is produced from sheanuts derived from the Shea tree *Butyrospermum parkii* and is composed mainly of triglycerides containing an oleic acid moiety at the 2-position and saturated fatty acids, usually stearic or palmitic acids, at the 1- and 3-positions. It meets the following specifications, which are consistent with those for other food-grade oils as described in the Food Chemicals Codex (Ref. 1):

1. Saponification value—185 to 195,
2. Iodine value—28 to 43,
3. Unsaponifiable matter—not to exceed 1.5 percent,
4. Free fatty acids—less than 0.1 percent (as oleic acid),
5. Peroxide value—less than 10 milliequivalents/equivalent (meq/eq),
6. Heavy metals—less than 0.1 part per million (ppm) each of lead and copper.

The petitioner adequately referenced methods of analyses for these specifications.

IV. Manufacturing Process

Sheanut oil is refined by various processes, which may involve different sequences of manufacturing steps and solvents that are in common use in the fat and oil industry. The crude oil must be refined to remove excessive unsaponifiable material. Standard refining techniques, e.g., decolorization by passage through bleaching clay and steam distillation to remove odoriferous impurities, are employed to purify further the oil.

V. Proposed Use in Food

The intended use for sheanut oil is as a component of a mixture of oils used as cocoa butter substitutes. The agency has calculated a mean estimated daily intake (EDI) of 2.2 gram/person/day (g/p/d) for sheanut oil in confections and candies (2+ year olds). The EDI for consumers at the 90th percentile level is 4.4 g/p/d. The EDI for children from 2 to 5 years old is 1.8 g/p/d at the mean and 4.3 g/p/d at the 90th percentile level.

VI. Common Use in Food Before 1958

The petitioner provided several published articles that document that sheanut oil has a history of common use in food prior to 1958. Sheanut oil has been used in Africa for food purposes since the 1800's (Ref. 2). It has also been used in Europe as a cooking oil and as a cocoa butter substitute, as well as for making margarine (Ref. 3 through 7). In addition, in a comment submitted in support of the petition, Loders Croklaan, Inc.,[1] of Berwyn, PA, presented information that documents use of sheanut oil in England for more than 50 years; among the uses of sheanut oil documented in this comment were as a pastry fat, a cooking oil, a cocoa butter substitute, and for making margarine. The comment provided copies of formulations from England that showed that some cooking fats in 1948 contained between 5 and 7 percent sheanut oil and that a pastry margarine known as ''flex,'' marketed between 1954 and 1958, contained between 80 and 91 percent sheanut oil.[2]

VII. Safety Information

The evidence documenting common use of sheanut oil in food reflects no known adverse effects. The absence of documented adverse effects from food use of sheanut oil is corroborated by several animal feeding studies, by information regarding the components of sheanut oil, and its similarity in

[1] In a comment submitted to the agency, Loders Croklaan, Inc., also requested that all safety data and other information concerning sheanut oil contained in its Food Master File (FMF) No. 253 be incorporated into Fuji's petition. Consequently, the information contained in FMF No. 253 was made available for public display under the same docket no. 88G–0288 with the Fuji petition.

[2] In addition, in its comment Loders Croklaan, Inc., quoted official United Kingdom statistics for sheanuts imported into the United Kingdom as averaging 6,000 metric tons per year between 1948 and 1957.