

the lighting system as the cause of the unsafe condition; this AD addresses chafed wires in the 28VdC supply side of the lighting system as the cause of the unsafe condition. Therefore, the FAA finds that it is logical and practical that the actions required to correct the unsafe condition are not necessarily identical to each other.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 73 de Havilland Model DHC-8-102, -103, and 301 series airplanes of U.S. registry will be affected by this proposed AD, that it will take approximately 30 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$250 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$149,650, or \$2,050 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish 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:

98-11-21 De Havilland, Inc.: Amendment 39-10546. Docket 96-NM-58-AD.

Applicability: Model DHC-8-102, -103, and -301 series airplanes; serial numbers 002 through 010 inclusive, 012 through 201 inclusive, 203 through 209 inclusive, 211 through 215 inclusive, 217 through 220 inclusive, 222, and 223; on which de Havilland Modification 8/1114 or 8/1110 (reference de Havilland Service Bulletin S.B. 8-33-35) has not been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 possibility of a fire on an airplane due to chafing of the electrical wiring of the cabin ceiling lighting system, accomplish the following:

(a) Within 1,000 hours time-in-service or 6 months after the effective date of this AD, whichever occurs first: Accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with de Havilland Service Bulletin S.B. 8-33-35, dated September 1, 1995.

(1) Perform a one-time inspection for wear and breakage of wire segments of the individual lighting units of the ceiling and sidewall lights. Prior to further flight, replace any damaged wiring.

(2) Install teflon spiral wrap on the wiring of the ceiling and sidewall lights (Modification 8/2158).

(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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(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 actions shall be done in accordance with de Havilland Service Bulletin S.B. 8-33-35, dated September 1, 1995. 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 Bombardier, Inc., Bombardier Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directive CF-95-18, dated December 15, 1995.

(e) This amendment becomes effective on July 6, 1998.

Issued in Renton, Washington, on May 20, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 98-14025 Filed 5-29-98; 8:45 am]

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RAILROAD RETIREMENT BOARD

20 CFR Part 255

RIN 3220-AB34

Recovery of Overpayments

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations regarding recovery of overpayments to explain what actuarial tables and interest rates are used to calculate an actuarial adjustment in an

individual's annuity in order to recover an overpayment of benefits. The regulation also adds a provision to explain when an actuarial adjustment in an annuity takes effect when an annuity is paid by electronic funds transfer (EFT).

DATES EFFECTIVE: July 1, 1998.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751-4929, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Section 255.8 of the Board's regulations (62 FR 64164) provides for recovery of an overpayment by means of an actuarial adjustment. In accordance with this provision, an overpayment may be recovered by permanently reducing the annuity payable to the individual from whom recovery is sought. The calculation of the reduction is performed using actuarial tables. Formerly, the authority for the use of these tables is contained in a Board Order which is not readily available to the public. This amendment adds language specifying that the Board will use the tables and interest rate adopted in accordance with the triennial evaluation of the railroad retirement trust funds as required by section 15(g) of the Railroad Retirement Act.

Previously, where an annuity is paid by check, an actuarial reduction takes effect, and the overpayment is recovered, upon negotiation of the first check which reflects the adjustment. The amendment adds language to provide that, in the case of an annuity paid by electronic funds transfer, the adjustment is effective when the first payment reflecting the actuarially adjusted rate is deposited.

The rule was published as a proposed rule February 12, 1998 (63 FR 7088) requesting comments on or before April 13, 1998. No comments were received.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR 255.8

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, title 20, part 255 of the Code of Federal Regulations is amended as follows:

PART 255—RECOVERY OF OVERPAYMENTS

1. The authority citation for part 255 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5); 45 U.S.C. 231(i).

2. Section 255.8 is revised to read as follows:

§ 255.8 Recovery by adjustment in connection with subsequent payments.

(a) Recovery of an overpayment may be made by permanently reducing the amount of any annuity payable to the individual or individuals from whom recovery is sought. This method of recovery is called an actuarial adjustment of the annuity. The Board cannot require any individual to take an actuarial adjustment in order to recover an overpayment nor is an actuarial adjustment available as a matter of right. An actuarial adjustment becomes effective and the debt is considered recovered when, in the case of an individual paid by electronic funds transfer, the first annuity payment reflecting the annuity rate after actuarial adjustment is deposited to the account of the overpaid individual, or, in the case of an individual paid by check, the first annuity check reflecting the annuity rate after actuarial adjustment is negotiated.

Example. An annuitant agrees to recovery of a \$5,000 overpayment by actuarial adjustment. However, the annuitant dies before negotiating the first annuity check reflecting the actuarially-reduced rate. The \$5,000 is not considered recovered. If the annuitant had negotiated the check before he died, the \$5,000 would be considered fully recovered.

(b) In calculating any adjustment under this section, beginning with the first day of January after the tables and long-term or ultimate interest rate go into effect under section 15(g) of the Railroad Retirement Act (the triennial evaluation), the Board shall use those tables and long-term or ultimate interest rate.

Dated: May 21, 1998.

By Authority of the Board,

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98-14326 Filed 5-29-98; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 87F-0162]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

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 sulfosuccinic acid 4-ester with polyethylene glycol nonylphenyl ether, disodium salt (alcohol moiety produced by the condensation of 1 mole of nonylphenol and an average of 9 to 10 moles of ethylene oxide) for use as an emulsifier in the manufacture of polyvinyl acetate and vinyl-acrylate copolymers intended for use in coatings for paper and paperboard that will contact food. This action responds to a petition filed by American Cyanamid Co.

DATES: The regulation is effective June 1, 1998; written objections and requests for a hearing by July 1, 1998.

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

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3086.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of June 4, 1987 (52 FR 21122), FDA announced that a food additive petition (FAP 6B3908) had been filed by American Cyanamid Co., One Cyanamid Plaza, Wayne, NJ 07470. The petition proposed to amend the food additive regulations in § 178.3400 *Emulsifiers and/or surface-active agents* (21 CFR 178.3400) to provide for the safe use of sulfosuccinic acid 4-ester with polyethylene glycol nonylphenyl ether, disodium salt for use as a surfactant in contact with food.

The agency has determined that the data submitted in the food additive petition provided information for a more specific identification of the additive as sulfosuccinic acid 4-ester with polyethylene glycol nonylphenyl ether, disodium salt (alcohol moiety