

The Board, with the agreement of the Office of Management and Budget, has determined that this is not a significant regulatory action under 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 Part 200

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, Part 200, Title 20, Chapter II, of the Code of Federal Regulations is amended as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; § 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.3, Designation of forms and display of assigned OMB control numbers is revised to read as follows:

§ 200.3 Obtaining forms from the Railroad Retirement Board.

Forms used by the Board, including applications for benefits and informational publications, may be obtained from the Board's headquarters at 844 Rush Street, Chicago, Illinois 60611, and from local Board offices.

Dated: March 31, 1998.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98-9360 Filed 4-8-98; 8:45 am]

BILLING CODE 7905-01-P

RAILROAD RETIREMENT BOARD

20 CFR Part 216

RIN: 3220-AB27

Eligibility for an Annuity

AGENCY: Railroad Retirement Board.

ACTION: Final Rule.

SUMMARY: The Railroad Retirement Board (Board) amends its regulation under the Railroad Retirement Act concerning when a child of a railroad employee is considered a full-time elementary or secondary student. The changes reflect the current trend in most States and jurisdictions to recognize home schooling and independent study programs as comparable to traditional education.

EFFECTIVE DATE: May 11, 1998.

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

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751-4513, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Section 2(d)(4) of the Railroad Retirement Act (45 U.S.C. 231a(d)(4)) provides, in pertinent part, that an annuity is payable to a child of a deceased employee until such child attains age 18 or 19 if such child is in full-time attendance at an elementary or secondary school.

Section 2(d)(4) of the Act incorporates the provisions of section 202(d)(7) of the Social Security Act (42 U.S.C. 402(d)(7)), which defines the terms full-time elementary or secondary student. Section 202(d)(7) of the Social Security Act in turn provides that a full-time elementary or a secondary student is an individual who is in full-time attendance as a student at an elementary or secondary school, as determined by the Commissioner of the Social Security Administration (by regulations prescribed by the Commissioner).

Before July 24, 1996, section 404.367 of the Social Security Administration regulations under the Social Security Act (20 CFR 404.367) defined a full-time student as an individual enrolled in an educational institution that included public, private, and religious schools. The Social Security Administration's previous policy, as reflected in its regulation, was aligned with the traditional definition of educational programs. However, recently most States and other jurisdictions have broadened the definition of education programs to include home schooling and independent study programs. Because of this trend, the Social Security Administration revised section 404.367 to include such types of schooling in the definition of elementary and secondary schools. See, 61 FR 38361 (1996). The Board, therefore, amends its regulations to include students enrolled in home schooling or independent study programs authorized by a State or other jurisdiction within the definition of a full-time elementary or secondary school student.

The rule was published as a proposed rule October 23, 1997 (62 FR 55196), requesting comments on or before December 22, 1997. 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 under Executive Order 12866. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 216

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, chapter II of Title 20 of the Code of Federal Regulations is amended as follows:

PART 216—ELIGIBILITY FOR AN ANNUITY

1. The authority citation for part 216 continues to read as follows:

Authority: 45 U.S.C. 231f.

2. Section 216.74 is revised to read as follows:

§ 216.74 When a child is a full-time elementary or secondary school student.

(a) A child is a full-time elementary or secondary school student if he or she meets all of the following conditions:

(1) The child is in full-time attendance at an elementary or secondary school; or

(2) The child is instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the child resides; or

(3) The child is in an independent study elementary or a secondary education program administered by the local school, district, or jurisdiction, which is in accordance with the law of the State or other jurisdiction in which he or she resides.

(b) The child is in full-time attendance in a day or evening non-correspondence course of at least 13 weeks duration and he or she is carrying a subject load that is considered full-time for day students under the institution's standards and practices. If he or she is in a home schooling program as described in paragraph (a)(2) of this section, he or she must be carrying a subject load that is considered full-time for day students under the standards and practices set by the State or other jurisdiction in which the student resides.

(c) To be considered in full-time attendance, scheduled attendance must be at the rate of at least 20 hours per week unless one of the exceptions in paragraphs (c)(1) and (2) of this section applies. If the student is in an independent study program as described in paragraph (a)(3) of this section, the number of hours spent in school attendance is determined by combining the number of hours of attendance at a school facility with the

agreed upon number of hours spent in independent study. The student may still be considered in full-time attendance if the scheduled rate of attendance is below 20 hours per week if the Board finds that:

(1) The school attended does not schedule at least 20 hours per week and going to that particular school is the student's only reasonable alternative; or

(2) The student's medical condition prevents him or her from having scheduled attendance of at least 20 hours per week. To prove that the student's medical condition prevents him or her from scheduling 20 hours per week, the Board may request that the student provide appropriate medical evidence or a statement from the school; or

(3) The student is not attending classes, but is graduating in that month and classes ended the month before.

(d) An individual is not a full-time student if, while attending an elementary or secondary school, he or she is paid compensation by an employer who has requested or required that the individual attend the school. An individual is not a full time student while he or she is confined in a penal institution or correctional facility because he or she committed a felony after October 19, 1980.

(e) A student who reaches age 19 but has not completed the requirements for a secondary school diploma or certificate and who is a full-time elementary or secondary student, as defined in paragraph (a) of this section, will continue to be eligible for benefits until the first day of the first month following the end of the quarter or semester in which he or she is then enrolled, or if the school is not operated

on a quarter or semester system, the earlier of:

(1) The first day of the month following completion of the course(s) in which he or she was enrolled when age 19 was reached; or

(2) The first day of the third month following the month in which he or she reached age 19.

Dated: April 2, 1998.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98-9359 Filed 4-8-98; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 96P-0338]

Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Coronary Heart Disease; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of February 18, 1998 (63 FR 8103). The document authorizes the use, on food labels and in food labeling, of health claims on the association between soluble fiber from psyllium seed husk and reduced risk of coronary heart disease (CHD). The document was published with some errors. This document corrects those errors.

EFFECTIVE DATE: February 18, 1998.

FOR FURTHER INFORMATION CONTACT: Virginia L. Wilkening, Center for Food Safety and Applied Nutrition (HFS-165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5483.

In FR Doc. 98-4074, beginning on page 8103 in the **Federal Register** of Wednesday, February 18, 1998, the following corrections are made:

1. On page 8104, in the first column, in the first full paragraph, in the eighth line, the **Federal Register** citation "(62 FR 3684)" should read "(62 FR 3584)".

2. On page 8106, in the second column, in the second full paragraph, in the tenth line, "(mg/dL)" should read "(mg/dL)".

3. On page 8107, in the first column, in the second full paragraph, in the 32d line, "24, and 26)" should read "24, 26, and 27)".

4. On page 8109, in the first column, under the section "E. Nature of the Food Eligible to Bear the Claim", in the first paragraph, in the ninth and tenth lines, "(7 g/d was)" should read "(7 g/d) was".

7. On page 8114, in the second column, in the first full paragraph, in the 18th line, "201(m)" should read "201(n)".

8. On page 8118, in the first column, in Reference number 15, in the third and forth lines, "LDL-Synthesis" should read "LDL-Cholesterol".

9. On pages 8120 and 8121, under Table 1.—Summary of Clinical Trials with Hypercholesterolemics: Psyllium and Coronary Heart Disease, the reference numbers used to identify the study references are incorrect. Table 1 is being republished in its entirety to read as follows:

TABLE 1.—SUMMARY OF CLINICAL TRIALS WITH HYPERCHOLESTEROLEMICS: PSYLLIUM AND CORONARY HEART DISEASE

Study	Duration Treatment	Number of Subjects	Supplements (Psyllium, Placebo) Soluble Fiber g/d	Diet Intake of groups: Sat fat % E; CHOL mg/d	Magnitude of PSY Effect ¹	Magnitude of Placebo Effect
Ander-son et al. (Ref. 12)	Base: 8 wk Step 1; Tx: 26 wk Step 1+supplement	PSY: 131 C: 28	10.2 g/d bulk laxative, cellulose PSY: -7 g SF	Sat fat: PSY- 8.3%; C- 7.7% CHOL: PSY- 164 mg; C- 146 mg	CHOL: -5 mg/dL (2.1%) ¹ LDL-C: -5 mg/dL (2.9%) ¹	CHOL: +5 (2.6%) LDL-C: +6 (3.9%) HDL-C: no sig dif (grps)
Bell et al. (Ref. 13)	Base: 12-wk Step 1; Tx: 8-wk Step 1+supplement	PSY: 40 (20 men) Pla: 35 (18 men)	10.2 g/d bulk laxative, cellulose PSY: -7 g SF	Sat fat: PSY- 8-10%; C- 7.7-8.6% CHOL: PSY- 168 mg; C- 206 mg	CHOL: -9 mg/dL (4.2%) LDL-C: -12 mg/dL (7.7%)	CHOL: 0 LDL-C: -0.2% HDL-C: no sig dif (grps)
Davidson et al. (Ref. 14)	Base: 8-wk Step 1; Tx: 24-wk Step 1 + PSY or control food (3 servings/d)	PSY 1 56 (31 men) PSY 2 40 (24 men) PSY 3 43 (28 men) C 59	3.4 g, 6.8 g, 10.2 g/d; incorporated into foods: C foods: no PSY PSY 1: -2.3 g SF, PSY 2: -4.6 g; PSY 3: -7 g	SAT fat: PSY- 7-8.6%; C- 7-8.6% CHOL: PSY 1- 151 mg; PSY 2- 181; PSY 3- 169 C- 145 mg	CHOL: -3% (PSY 3) LDL-C: -5% (PSY 3)	CHOL: +1.7%; LDL-C: +3% HDL-C: No sig dif (grps)