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DEPARTMENT OF TRANSPORTATION

14 CFR Part 71

[Airspace Docket No. 98–AGL–53]

Modification of Class E Airspace; Valparaiso, IN; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects one error in the legal description of a final rule that was published in the **Federal Register** on Monday, November 16, 1998 (63 FR 63601), Airspace Docket No. 98–AGL–53. The final rule modified Class E Airspace at Valparaiso, IN.

EFFECTIVE DATE: 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone: (847) 294–7477.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 98–30585, Airspace Docket No. 98–AGL–53, published on November 16, 1998 (63 FR 63601), modified Class E Airspace at Valparaiso, IN. One error was discovered in the legal description for the Class E airspace for Valparaiso, IN. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the legal description for the Class E airspace Valparaiso, IN, as published in the **Federal Register** November 16, 1998 (63 FR 63601), (FR Doc. 98–30585), is corrected as follows:

PART 71—[CORRECTED]

§ 71.1 [Corrected]

AGL IN E5 Valparaiso, IN [Corrected]

On page 62302, Column 2, in the Class E airspace designation for Valparaiso, IN, incorporated by reference in Sec. 71.1, change the coordinates for the Valparaiso, Porter County Municipal Airport, IN to “(lat. 41°27’15” N, long. 87°00’21” W)”.

Issued in Des Plaines, IL on November 24, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–32731 Filed 12–10–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–AWP–6]

RIN 2120–AA66

Modification of VOR Federal Airway V–485; San Jose, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on September 15, 1998 (Airspace Docket No. 95–AWP–6). In that rule, the airway legal description contained an inadvertent error. This action corrects that error.

EFFECTIVE DATE: December 11, 1998.

FOR FURTHER INFORMATION CONTACT: William C. Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: **Federal Register** Document 98–24710, Airspace Docket No. 95–AWP–6, published on September 15, 1998 (63 FR 49284), modified a portion of V–485 by relocating the airway approximately 1 NM northeast from its previous routing. However, in the rule, the coordinates in the legal description were published as magnetic instead of true. Legal description coordinates for final rules must be published as true. This action corrects the legal description coordinates from magnetic to true.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designation for VOR Federal Airway V–204, published in the **Federal Register** on September 15, 1998 (63 FR 49284); **Federal Register** Document 98–24710, and incorporated by reference in 14 CFR 71.1, is corrected as follows:

§ 71.1 [Corrected]

On page 49284, in the third column, near the middle of the column, beginning on the second line of the description of V–485, correct “INT Priest 306° and San Jose 121° radials” to read: “INT Priest 323° and San Jose 131° radials;”

Issued in Washington, DC, on December 2, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98–32729 Filed 12–10–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 98F–0291]

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 expanded safe use of sodium 2,2'-methylenebis(4,6-di-tert-butylphenyl)phosphate as a clarifying agent in olefin polymers intended for use in contact with food. This action is in response to a petition filed by Asahi Denka Kogyo K.K.

DATES: The regulation is effective December 11, 1998; written objections and requests for a hearing by January 11, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 7, 1998 (63 FR 25212), FDA announced that a food additive petition (FAP 8B4592) had been filed by Asahi Denka Kogyo K.K., 5-2-13, Shirahata, Urawa City, Saitama 336, Japan. The petition proposed to amend the food additive regulations in § 178.3295 *Clarifying agents for polymers* (21 CFR 178.3295) to provide for the expanded safe use of sodium 2,2'-methylenebis(4,6-di-*tert*-butylphenyl)phosphate as a clarifying agent in olefin polymers intended for use in contact with food (21 CFR 177.1520).

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 178.3295 should be amended as set forth below.

FDA's review of this petition indicates that the additive may contain trace amounts of formaldehyde as an impurity. The potential carcinogenicity of formaldehyde was reviewed by the Cancer Assessment Committee (the Committee) of FDA's Center for Food Safety and Applied Nutrition. The Committee noted that for many years, formaldehyde has been known to be a carcinogen by the inhalation route, but the Committee concluded that these inhalation studies are not appropriate for assessing the potential carcinogenicity of formaldehyde in food. The Committee's conclusion was based on the fact that the route of administration (inhalation) is not relevant to the safety of formaldehyde residues in food and the fact that tumors were observed only locally at the portal of entry (nasal turbinates). In addition, the agency has received literature reports of two drinking water studies on formaldehyde: (1) A preliminary report of a carcinogenicity study purported to be positive by Soffritti et al. (1989), conducted in Bologna, Italy (Ref. 1); and (2) a negative study by Til et al. (1989), conducted in The Netherlands (Ref. 2). The Committee reviewed both studies

and concluded, concerning the Soffritti study, " * * * that data reported were unreliable and could not be used in the assessment of the oral carcinogenicity of formaldehyde" (Ref. 3). This conclusion is based on a lack of critical detail in the study, questionable histopathological conclusions, and the use of unusual nomenclature to describe the tumors. Based on the Committee's evaluation, the agency has determined that there is no basis to conclude that formaldehyde is a carcinogen when ingested.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 8B4592 (63 FR 25212). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before January 11, 1999, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual

information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Soffritti, M., C. Maltoni, F. Maffei, and R. Biaggi, "Formaldehyde: An Experimental Multipotential Carcinogen," *Toxicology and Industrial Health*, vol. 5, No. 5, pp. 699-730, 1989.
2. Til, H. P., R. A. Woutersen, V. J. Feron, V. H. M. Hollanders, H. E. Falke, and J. J. Clary, "Two-Year Drinking Water Study of Formaldehyde in Rats," *Food Chemical Toxicology*, vol. 27, No. 2, pp. 77-87, 1989.
3. Memorandum of Conference concerning "Formaldehyde;" Meeting of the Cancer Assessment Committee, FDA, April 24, 1991, and March 4, 1993.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.3295 is amended in the table in the entry for "Sodium 2,2'-methylenebis (4,6-di-*tert*-butylphenyl)phosphate" by revising entry "2." under the heading "Limitations" to read as follows:

§ 178.3295 Clarifying agents for polymers.

* * * * *

Substances	Limitations
<p>Sodium 2,2'-methylenebis(4,6-di-<i>tert</i>-butylphenyl)phosphate (CAS Reg. No. 85209-91-2).</p>	<p>For use only:</p> <ol style="list-style-type: none"> 1. * * * 2. As a clarifying agent at levels not exceeding 0.10 percent by weight of polypropylene complying with § 177.1520(c) of this chapter, items 1.1(a) or 1.1(b) and of olefin polymers complying with § 177.1520(c) of this chapter, items 3.1(a), 3.1(b), 3.1(c), 3.2(a), or 3.2(b) (where the copolymers contain not less than 85 weight percent of the polymer units derived from polypropylene.) The finished polymers shall be used in contact with foods only under conditions of use A through H described in Table 2 of § 176.170(c) of this chapter.

Dated: December 1, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98-32907 Filed 12-10-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice 2935]

Documentation of Immigrants Under the Immigration and Nationality Act—International Organization and NATO Civilian Employee Special Immigrants

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This final rule amends the Department's regulations to comply with new statutory authority. The rule extends fourth preference special immigrant classification to civilian employees of the North Atlantic Treaty Organization (NATO) provided they meet certain qualifying criteria.

EFFECTIVE DATE: The rule was effective as of October 21, 1998.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1204.

SUPPLEMENTARY INFORMATION: Section 421 of Subtitle B of the American Competitiveness and Workforce Improvement Act of 1998 in the Omnibus Appropriations Act of 1998 (Pub. L. 105-277) enacted on October 21, 1998 amends the Immigration and Nationality Act (INA) by adding a new section (L) under section 101(a)(27). This new section entitles civilian NATO

employees, who meet certain requirements, to apply for special immigrant status under INA 203(b)(4) as defined under INA 101(a)(27)(L). Subsection (L) extends special immigrant status to NATO civilian employees who meet the same criteria as that required by international organization employees under subsection (I). The Department regulation at 22 CFR 42.32(d)(5) permits international organization employees who are beneficiaries of a petition approved by the Immigration and Naturalization Service to be classified as a fourth preference special immigrant under INA 203(b)(4). The Department is, therefore, amending the regulation to include civilian NATO employees who have approved special immigrant petitions granting status under INA 101(a)(27)(L).

Final Rule

The implementation of this rule as a final rule, is based upon the "good cause" exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The provision of law being implemented became effective on October 21, 1998, the date of the enactment of the Omnibus Appropriation Act of 1998. Consular officers have been complying with it based on guidance essentially akin to that in this final rule but not yet codified in regulations. It is essential that a formal regulatory order undergird their actions at the earliest possible date. Promulgation of this rule without opportunity for public comment would not be contrary to public interest since it expands the special immigrant category to benefit additional qualified aliens as intended by the Congress.

It has been determined that this rule will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. This rule imposes no reporting or recordkeeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith.

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

List of Subjects in 22 CFR Part 42

Aliens, Immigration, Passports and visas.

The Rule

In view of the foregoing, the Department of State amends 22 CFR part 42 as follows:

1. The authority citation for Part 42 continues to read:

Authority: 8 U.S.C. 1104

2. Amend § 42.32(d)(5) by revising paragraph (d)(5) to read as follows:

§ 42.32 Employment-based preference immigrants.

* * * * *

(d) * * *

(5) Certain international organization and NATO civilian employees—(i) Entitlement to status. An alien is classifiable under INA 203(b)(4) as a special immigrant defined in INA 101(a)(27)(I) or (L) if the consular officer has received a petition approved by the INS to accord such classification, or official notification of such approval, and the consular officer is satisfied from the evidence presented that the alien is within one of the classes described therein.

(ii) Timeliness of application.

An alien accorded status under INA 203(b)(4) because of qualification under