

the last sentence, "In the dog, quantities of label in urine and feces should be measured at appropriate intervals (i.e., every 6 hours for the first 48 hours after dosing and every 12 hours for the remaining 5 days) throughout the study for all animals."; and

vii. In paragraph (e), the words "the rat and dog" are deleted and the words "those employed may" are added in their place.

[FR Doc. 89-11694 Filed 5-15-89; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400 and 433

[OBA-15-F]

RIN 0938-AE31

Medicare and Medicaid; Approved Information Collection Requirements and Federal Medical Assistance Percentage Computation

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule and technical correction.

SUMMARY: This final rule amends a general HCFA regulation to display up-to-date control numbers assigned by the Office of Management and Budget (OMB) to approved "collection of information" requirements contained in regulations governing the Medicare and Medicaid programs. This rule is issued in accordance with OMB regulations for controlling paperwork burdens on the public and serves as notice that the cited collections of information are approved. This document also correctly displays our longstanding formula for computing the State share of the Federal Medical Assistance Percentage (FMAP). Section 433.10(b) of our regulations contains a typographical error.

EFFECTIVE DATE: These regulations are effective May 16, 1989.

FOR FURTHER INFORMATION CONTACT: Maxine Turnipseed, (301) 966-1981. (For information collection requirements.)

Matt Plonski, (301) 966-4662. (For FMAP correction.)

SUPPLEMENTARY INFORMATION:

I. Background

Information Collection Requirements

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), Federal agencies are required to obtain Office of

Management and Budget (OMB) approval of "collection of information" requirements that are contained in any regulations published by the agencies. To implement provisions of this act, OMB has established regulations under Part 1320 of Title 5 of the Code of Federal Regulations (CFR). The OMB regulations require Federal agencies (1) to notify the public that a collection of information requirement has been approved by OMB by issuing a notice in the *Federal Register*, and (2) to display the control number assigned by OMB after approval of the requirement, as part of the agency's regulatory text.

To comply with the OMB requirement that HCFA include in its regulations the OMB control numbers assigned, we have established a general regulation under 42 CFR 400.310 to display valid OMB control numbers and applicable regulation sections as a means of notifying the public that the information collection requirements have been approved. We update this regulation routinely to add the most recent OMB control numbers or to delete entries no longer in effect.

Federal Medical Assistance Percentage

The Medicaid program, established under Title XIX of the Social Security Act (the Act), is a State administered program that provides medical assistance to certain needy individuals. Funding is shared between the States and the Federal Government. Under the Medicaid program, the term "medical assistance" means payment of part or all of the cost of care and services provided to a beneficiary under a HCFA approved State plan. The portion of the medical assistance expenditures that the Federal Government provides to the States to cover their expenditures is called the Federal Medical Assistance Percentage (FMAP). The FMAP cannot be less than 50 percent nor more than 83 percent for any State. Each State's percentage is determined by the formula described in section 1905(b) of the Act and shown in our regulations at 42 CFR 433.10(b). Under that formula the State whose per capita income exceeds that of the national per capita income would receive a lower share from the Federal Government. Also, the State whose per capita income is lower than the national average would receive a higher share from the Federal Government. The Federal Government share would be within the statutory 50-83 percentage limits.

Although section 1905(b) of the Act clearly indicates the formula and ratio relationships to be used to calculate FMAP, the formula in our regulations at § 433.10(b) is incorrectly presented.

II. Provisions of These Regulations

Information Collection Requirements

Before May 2, 1983 there was no requirement to publish OMB control numbers in agency regulations. Under 5 CFR 1320.2, we submit for OMB approval information collection requirements that we identify in existing regulations either because they have not been previously approved or because a prior approval has expired. After the approval is obtained, we publish in the *Federal Register* the control numbers for the sections approved or reapproved. In this manner, we expect to eventually publish control numbers for all our regulation sections that have OMB approved information collection requirements, and also to update reapproved items. We have identified a number of items for inclusion in our table at § 400.310 based on an OMB approval action. (Ordinarily a reapproval item retains its original control number and will not be reprinted in § 400.310. This is not always the case and some of our information collections have been assigned more than one control number.)

In the preamble of final rules containing information collection requirements, we identify sections of the regulations for which we have requested assignment of an OMB control number. Control numbers have been assigned for the following documents published in the *Federal Register*:

Peer Review Organization Contracts Solicitation of Statements of Interest From In-State Organizations (53 FR 7976, March 11, 1988) (42 CFR 462.102 and 462.103).

Conditions for Intermediate Care Facilities for the Mentally Retarded (53 FR 20448, June 3, 1988) (42 CFR 483.410, 483.420, 483.440, 483.450, 483.460, 483.470).

Technical Correction

We are revising § 433.10(b), Rates of FFP for program services, to correct typographical errors by amending the State share formula so it conforms to the formula described in section 1905(b) of the Act. We inadvertently omitted the division sign "/" and failed to include the brackets that are used to indicate the computation within the formula.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

This regulation and technical correction merely update our display of OMB control numbers for approved collection of information requirements contained in HCFA regulations and correct an obvious typographical error

in existing regulation text. The Department routinely publishes a notice in the Federal Register when an information collection requirements clearance request identified in a rule or notice is submitted to OMB, and the public is offered an opportunity to comment. With respect to the typographical error, this rule repeats the formula contained in statute, without interpretation. To publish either in proposed form is unnecessary and serves no useful purpose. Therefore, we find good cause to waive notice of proposed rulemaking.

We are publishing this final rule without the usual 30-day delay in effective date. We consider the updating of the chart found at § 400.310 to be technical in nature. As noted above, the public is informed of the requirements and advised that formal notice will be made of the approval. Since the rule is technical in nature, we believe it is unnecessary and would serve no useful purpose to delay the effective date beyond the date of publication. Therefore, we find good cause to waive a delay in effective date.

IV. Impact Analysis

As noted above, this regulation is technical in nature and merely updates the display of OMB control numbers of approved collection of information requirements contained in HCFA regulations and corrects a typographical error. Therefore, the Secretary has determined that this document does not meet criteria for a major rule as defined in section 1(b) of Executive Order 12291. The Secretary also certifies, consistent with the Regulatory Flexibility Act, that this document would not have a significant economic impact on a substantial number of small entities. In addition, we are not preparing a rural impact as required by section 1102(b) of the Act since we have determined, and the Secretary certifies that this rule will not have a significant economic impact on the operations of a substantial number of small rural hospitals.

V. List of Subjects

42 CFR Part 400

Grant program-health, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 433

Administrative practice and procedure, Child support, Claims, Grant program-health, Medicaid, Reporting and recordkeeping requirements.

A. 42 CFR Part 400 is amended as follows:

PART 400—INTRODUCTION: DEFINITIONS

1. The authority citation for Part 400 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

2. Section 400.310 is amended to insert in numerical order additional entries as follows:

§ 400.310 Display of currently valid OMB control numbers.

Sections in 42 CFR that contain collections of information	Current OMB control no.
403.334.....	0938-0465
405.1316.....	0938-0527
405.2112, 405.2123, 405.2134, 405.2136, 405.2137, 402.2138, 405.2139, 405.2140, 405.2171.....	0938-0386
413.506.....	0938-0482
441.16.....	0938-0527
442.114, 442.115, 442.116.....	0938-0521
447.253.....	0938-0523
462.102, 462.103.....	0938-0526
483.410, 483.420, 483.440, 483.450, 483.460, 483.470.....	0938-0366

B. 42 CFR Part 433 is amended as follows:

PART 433—STATE FISCAL ADMINISTRATION

1. The authority citation for Part 433 continues to read as follows:

Authority: Secs. 1102, 1137, 1902(a)(4), 1902(a)(25), 1902(a)(45), 1903(a)(3), 1903(d)(2), 1903(d)(5), 1903(o), 1903(p), 1903(r) and 1912 of the Social Security Act; 42 U.S.C. 1302, 1320b-7, 1396a(a)(4), 1396a(a)(25), 1396a(a)(45), 1396b(a)(3), 1396b(d)(2), 1396b(d)(5), 1396b(c), 1396b(p), 1396b(r) and 1396k, unless otherwise noted.

2. Section 433.10 is amended by revising the formula for State share in paragraph (b) to read as follows:

§ 433.10 Rates of FFP for program services.

(b) Federal medical assistance percentage (FMAP)—Computations.

State Share = [(State per capita income)² / (National per capita income)²] × 45 percent

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Programs; No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: March 2, 1989.

Terry Coleman,
Acting Administrator, Health Care Financing Administration.

Approved: April 10, 1989.

Louis W. Sullivan,
Secretary.

[FR Doc. 89-11677 Filed 5-15-89; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 3, 37, and 52

[Federal Acquisition Circular 84-47]

Federal Acquisition Regulation (FAR); Procurement Integrity; Correction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment; correction.

SUMMARY: This document corrects FAR 3.104-12, 37.208, and 52.237-9, and revises the FAC Item description in Federal Acquisition Circular (FAC) 84-47 published in the Federal Register on Thursday, May 11, 1989 (54 FR 20488).

SUPPLEMENTARY INFORMATION: In FR Doc. 89-11472 beginning on page 20488, in the third column of page 20490, the second paragraph of the FAC Item description, Procurement Integrity, has been revised, and a new third paragraph has been added. However, for the convenience of the reader, the FAC Item is set out in its entirety. In addition to the FAC Item corrections, make the regulatory corrections in 3.104-6, 3.104-12, 37.208, and 52.237-9 to read as follows:

Item-Procurement Integrity

FAR 1.105 is revised, and 3.104 and 3.104-1 through 3.104-12, 4.802(e), 9.105-3(c), 9.106-3(b), 15.805-5 (l) and (m), 37.207(f), 37.208, 43.106, and the provision and clauses at 52.203-8,

52.203-9, and 52.237-9 are added to implement the procurement integrity requirements of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423). This rule prohibits the following activities by competing contractors and Government procurement officials during the conduct of a Federal agency procurement: (a) soliciting or discussing post-Government employment; (b) offering or accepting a gratuity; and (c) soliciting or disclosing proprietary or source selection information. In addition, the rule provides for certification and disclosure provisions applicable to Government contractors and Government officials, imposes post employment restrictions on Government officials and employees, and provides for criminal, civil, contractual, and administrative penalties for violations of the Act.

If the date set for bid opening, receipt of proposals, or best and final offers is before May 16, 1989, and award will not be made before May 16, 1989, the clauses at 52.203-9 and 52.203-10 are not required to be included in any resulting contract. However, the certificates at 3.104-9 and 52.203-8 must be obtained prior to contract award.

If the date set for bid opening, receipt of proposals, or best and final offers is on or after May 16, 1989, the solicitation shall be amended to include all applicable provisions and clauses of this interim rule.

Modifications as defined in 3.104-4(e) that have not been executed by May 15, 1989, shall also be amended.

3.104-6 [Corrected]

1. On page 20491, in the table of contents in the first column and on page 20493 in the third column the section title in both places should read "Restrictions on Government officials, employees, and contractors serving as procurement officials"; and in the fourth sentence of paragraph (a) the word "consultants" is removed and "contractors" is inserted in its place.

3.104-12 [Corrected]

2. On page 20496, in the third column, in 3.104-12(b), the first word "Consultants" should read "Contractors".

37.208 [Corrected]

3. On page 20497, in the first column, in 37.208, remove in the title of the clause the words "—Advisory and Assistance Services" and in the

remainder of the sentence the words "advisory and assistance".

52.237-9 [Corrected]

4. On page 20499, in the first column, in 52.237-9, remove in the section title "—Advisory and Assistance Services" and in the clause title "—ADVISORY AND ASSISTANCE SERVICES".

Dated: May 11, 1989.

Harry S. Rosinski,
Acting Director, Office of Federal Acquisition
and Regulatory Policy.

[FR Doc. 89-11770 Filed 5-15-89; 8:45 am]

BILLING CODE 6820-JC-M

48 CFR Part 52

[Federal Acquisition Circular 84-46]

Federal Acquisition Regulation (FAR); Restrictions on Procurement of Products and Services From Toshiba/Kongsberg; Correction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment; correction.

SUMMARY: This document corrects FAR 52.225-13(d) in Federal Acquisition Circular (FAC) 84-46 published in the Federal Register on Monday, May 8, 1989 (54 FR 19812).

SUPPLEMENTARY INFORMATION: In FR Doc. 89-10847 beginning on page 19812, make the following correction in the third column on page 19832 to read as follows:

52.225-13 [Corrected]

(d) *Exceptions.* The restrictions do not apply—

* * * * *

Dated: May 11, 1989.

Harry S. Rosinski,
Acting Director, Office of Federal Acquisition
and Regulatory Policy.

[FR Doc. 89-11769 Filed 5-15-89; 8:45 am]

BILLING CODE 6820-JC-M

48 CFR Parts 201, 203, and 208

Department of Defense; Federal Acquisition Regulation Supplement; Procurement Integrity

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Department of Defense is issuing a final rule revising the proposed

rule published at 54 FR 12566. This final rule implements section 6 of the Office of Federal Procurement Policy (OFPP) Act Amendments of 1988 (Pub. L. 100-679). Revisions to the Federal Acquisition Regulation implementing section 6 of the Act are contained in the Federal Register of May 11, 1989 (54 FR 20488).

EFFECTIVE DATE: May 16, 1989.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

Section 6 of the Office of Federal Procurement Policy (OFPP) Act Amendments of 1988 amended the OFPP Act by adding section 27, Procurement Integrity. Section 27 contains prohibitions involving: (a) Conduct by offerors, contractors and Government procurement officials, (b) unauthorized disclosure of proprietary or source selection information, and (c) restrictions on Government officials and employees after they leave Government service. The Department of Defense is finalizing revisions to DFARS Parts 201, 203, and 208 to provide coverage implementing recent revisions to the Federal Acquisition Regulation regarding Procurement Integrity.

B. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the revisions are internal to DoD. A regulatory flexibility analysis has therefore not been performed. A proposed rule with request for comments was published in the Federal Register on March 27, 1989 (54 FR 12566). No comments were received which addressed the Regulatory Flexibility Act Statement.

C. Paperwork Reduction Act

The rule does not contain information collection requirements and therefore does not require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 201, 203, and 208

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition
Regulatory Council.

Therefore, 48 CFR Parts 201, 203, and 208 are amended as follows: