respondent employee's agency that appropriate disciplinary action be taken. If the respondent employee is the head of an agency, the Director shall make any such recommendation to the President and the procedures contained in this section will serve as guidance only.

(b) *Agency response.* Within the time specified by the Director in his recommendation, the head of the agency shall notify the Director in writing of the action taken. If the action cannot be accomplished within the time specified, the head of the agency shall notify the Director in writing of the time needed for the action to be taken, and, thereafter, will provide appropriate notice of the disciplinary action taken.

(c) *Notice of noncompliance.* If the Director determines that the head of an agency has not taken appropriate disciplinary action within a reasonable period of time after the Director has recommended such action, the Director may notify the President of that determination in writing.

Subpart F—Agency Reports

§ 2638.601 In general.

Agencies are required by section 402(b)(10) of the Act to file such reports as the Director of the Office of Government Ethics deems necessary. Section 402(e) contains specific requirements for annual reports and for reporting cases referred for possible prosecution under 28 U.S.C. 535. Reporting requirements imposed under this subpart are in addition to any requirements for reports or opinions contained in part 735 of this title, parts 2633 through 2637 of this chapter, or otherwise under this chapter, and in other subparts of this part.

§ 2638.602 Annual agency reports.

(a) On or before February 1 of each year, each agency shall file with the Office of Government Ethics a report containing information about the agency's ethics program. Detailed reporting requirements will be specified in instructions to be issued by the Director in advance of the first day of the period to be covered by the annual report. Annual agency reports will cover the prior calendar year and, as a minimum, will include the following:

(1) The name, position, title and duties of each official who performs any or all of the duties of the designated agency ethics official or alternate;

(2) Statistics regarding public and nonpublic (confidential) financial disclosure report filings;

(3) A description and evaluation of the agency's program of ethics education, training and counseling, including the number of training courses given, the subject matters covered, training materials distributed and counseling services offered.

(b) Failure to timely file the report required by paragraph (a) of this section may be cause to invoke the procedures at subpart D of this part for correction of agency programs.

§ 2638.603 Reports of referral for possible prosecution.

(a) *In general.* Section 535 of title 28 of the United States Code imposes upon every agency a duty to report to the Attorney General any information, allegations or complaints relating to violations of title 18 of the United States Code involving Government officers and employees, including possible violations of 18 U.S.C. 207 by former officers and employees. Guidelines issued by the Attorney General require reporting of such allegations or complaints to the local office of the appropriate investigative agency, the United States Attorney for the district in which the violation occurred or is occurring and the appropriate division of the Department of Justice.

(b) *Report of referral.* When any matter is referred pursuant to 28 U.S.C. 535, the agency shall concurrently notify the Director of the Office of Government Ethics of the referral and provide a copy of the referral document, unless such notification or disclosure would otherwise be prohibited by law.

(c) *Disposition reports.* (1) Where there has been notice that the matter will not be prosecuted, the agency shall promptly notify the Director of that fact, the date of the decision and any disciplinary or corrective action initiated, taken or to be taken by the agency.

(2) When the agency is notified or learns from the Department of Justice that an indictment has been handed up and signed or an information has been filed, the agency shall promptly report that fact to the Director. Thereafter, the agency shall promptly notify the Director of the final disposition of the prosecution and of any disciplinary or corrective action initiated, taken or to be taken by the agency.

(3) When disciplinary or corrective action is initiated or is to be taken, the agency will notify the Director of the final disposition of the matter.

[FR Doc. 90-1175 Filed 1-17-90; 8:45 am]

BILLING CODE 6345-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 275

[Amdt. 309]

Food Stamp Program; Quality Control Technical Amendments

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: On January 27, 1989 (54 FR 4037) the Department of Agriculture published proposed regulations to amend provisions concerning the Food Stamp Program's arbitration of quality control reviews. Those regulations proposed a 150 day time limit from the date of publication of the final rule on a state's request for arbitration of quality control reviews received by a State agency before February 22, 1988. Currently, only quality control reviews received by a State agency after February 22, 1988 are subject to a time limit on the state's request for arbitration. This action finalizes the time limit on reviews received by the state prior to February 22, 1988.

DATE: This final rule is effective February 20, 1990.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connell, Supervisor, Quality Control Policy Section, Program Accountability Division, Food Stamp Program, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 756-3471.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The Department has classified this rule as non-major. The rule will not have an annual effect on the economy of $100 million or more. The rule will have no effect on costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions. Further, the rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

Regulatory Flexibility Act. This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980. 5 U.S.C. 601-612. G. Scott Dunn, Acting Administrator of

the Food and Nutrition Service, has certified that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act. This rulemaking does not contain recordkeeping or data collection requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980. 44 U.S.C. 3501–3520.

Executive Order 12372. The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related notice(s) to 7 CFR part 3015, subpart V, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background

On January 27, 1989 the Department proposed regulations to amend the quality control arbitration process to require State agencies to submit any requests for [1] regional office arbitration of regional case findings which the State agency received before February 22, 1988, or [2] national office arbitration of regional arbitration decisions received before February 22, 1988, within 150 days from the date of publication of the final rule. The 150 day period is based on the standard 30 days for a final rule to become effective and a 120 day period for State agencies to prepare and submit their requests. February 22, 1988 is the effective date of the regulation that requires State agencies to submit their requests for regional office arbitration of regional case findings or for national office arbitration of regional arbitration decisions within 28 days of the state's receipt of case findings. 7 CFR 275.3 (c)(4) (i)(A) and (ii)(A). The Department received 10 comment letters concerning the proposed rule.

Two commenters supported the proposed regulation. One of these commenters suggested that individual cases should be subject to further review as part of the "Grant Appeals Board process" regardless of whether or not a state had decided to request arbitration of the review findings within the proposed 150 days. Decisions regarding arbitration are not reviewable.

Eight commenters were opposed to the establishment of a time limit for submitting arbitration requests for these cases. Three commenters considered 150 days to be insufficient time for them to review all of the cases prior to February 22, 1988 in order to ensure that an accurate Payment Error Rate (PER) had been calculated. Of particular concern to two commenters were underissuance error cases, which were not included in the PER at the time of the original reviews but which will be included in the PER pursuant to section 604 of the Hunger Prevention Act of 1988 (Public Law 100–435). 7 U.S.C. 2025(c)(2)(A). Proposed solutions included expanding the 150 day time frame to one year and granting a 180 day time frame for each of the quality control review periods in question.

The Department considered these recommendations but decided not to adopt them. The Department conducted an analysis of underissuance cases from the FY86 and FY87 review periods in response to commenters' concerns. This analysis revealed that the number of underissuance cases in which the state and federal findings were in disagreement, and thus are subject to possible arbitration, is not significant, and would not justify allowing additional time for the preparation of possible arbitration requests. Further, the Department considers 150 days to be sufficient for a State agency to submit requests for arbitration because the State agency necessarily completed its review of households' circumstances before the Federal reviews were conducted. In preparing its cases for arbitration, the State agency is simply ensuring that all of its verification, documentation, and the supporting material for its findings are included in its submittal(s) for arbitration.

Six commenters expressed concern that this rule would eliminate an avenue of redress that State agencies now possess to ensure that an accurate PER, upon which fiscal sanctions are based, has been determined. The Department considered these comments but decided not to adopt them because an open-ended arbitration system does not allow for timely establishment of statutorily mandated quality control claims. Current quality control reviews are under a 28 day time limit to request regional arbitration of regional review findings, or national arbitration of regional arbitration findings. The Department considers it to be inconsistent to restrict current cases to 28 days, while allowing the time frames for older cases to remain open-ended. The Department considers 150 days from the date of publication of the final rule to be more than sufficient time to address any disagreements over the correct review findings for these cases.

One commenter opposed the rule on the grounds that it would change the rules under which the error rates are calculated. The commenter stated that all rules governing the calculation of the error rates and fiscal sanctions should be known to the state prior to the review process, and contend that this position is supported by the study of the Food Stamp Quality Control System conducted by the National Academy of Science (NAS). The Department considered this comment but decided not to adopt it. This rule would not affect the actual quality control review procedures that were utilized by both state and federal reviewers in completing cases prior to February 22, 1988. In addition, the Department can find no reference in the NAS study recommending against this type of change. The NAS study's section entitled "Financial Liabilities for Past Performance" states: "In order for state and federal officials to clear that backlog of liabilities, claims, and appeals as quickly as possible in order to get on with the business at hand and for the future, the panel recommends solutions of expedience * * *". *Rethinking Quality Control: A New System for the Food Stamp Program*, published 1987, National Academy Press, page 160. Although the NAS recommendations do not specifically refer to arbitration time frames, they do recognize the need for retroactive changes in order to establish error rates and fiscal sanctions for prior review periods.

Implementation

The Department is requiring implementation of the arbitration time frames effective June 18, 1990.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 275

Administrative practice and procedure, Food stamps, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, parts 272 and 275 of subchapter C of chapter II of title 7, Code of Federal Regulations are amended as follows:

1. The authority citation appearing after the table of contents for parts 272 and 275 continues to read as follows:

Authority: 7 U.S.C. 2011–2029.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, new paragraph (g)(112) is added in numerical order to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(112) *Amendment No. 309.* (i) The State agency shall have until June 18, 1990, to request regional arbitration of regional office case findings which the State received before February 22, 1988.

(ii) The State agency shall have until June 18, 1990, to request national office arbitration of regional arbitration decisions which the State agency received before February 22, 1988.

PART 275—PERFORMANCE REPORTING SYSTEM

3. In § 275.3, paragraphs (c)(4)(i)(D), and (c)(4)(ii)(C) are added to read as follows:

§ 275.3 Federal monitoring.

* * * * *

(c) *Validation of state agency error rates.* * * *

(4) *Arbitration.* * * *

(i) *Regional level.* * * *

(D) The State agency shall have until June 18, 1990, to request regional arbitration of regional office case findings which the State received before February 22, 1988.

(ii) *National level.* * * *

(C) The State agency shall have until June 18, 1990, to request national office arbitration of regional arbitration decisions which the State agency received before February 22, 1988.

* * * * *

Dated: January 11, 1990.

George A. Braley,

Acting Administrator.

[FR Doc. 90-1123 Filed 1-17-90; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 88F-0381]

Indirect Food Additives, Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sodium poly(isopropenylphosphonate) in paper mill boilers, used in the manufacture of paper and paperboard for food-contact use. This action is in response to a petition filed by Betz Laboratories, Inc.

DATES: Effective January 18, 1990; written objections and requests for a hearing by February 20, 1990.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 6, 1989 (53 FR 482), FDA announced that a food additive petition (FAP 9B4114) had been filed by Betz Laboratories, Inc., Somerton Rd., Trevose, PA 19047, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of poly(isopropenylphosphonic acid), sodium salt in the manufacture of paper and paperboard for food-contact use.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use of the additive in the manufacture of paper and paperboard is safe, and that the regulations should be amended in § 176.170 in paragraph (a)(5) in the table by alphabetically adding a new entry.

FDA, in its review of the nomenclauture for this additive, finds that the term "sodium poly(isopropenylphosphonate)" is a more concise name for the additive than the name listed in the filing notice. The agency also finds that the additive is used only in paper mill boilers. Therefore, FDA is adopting the preferred name for the additive and is designating the intended use of the additive in § 176.170.

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 21 CFR 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 carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before February 20, 1990, 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.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 376).

2. Section 176.170 is amended in paragraph (a)(5) by alphabetically adding a new entry in the table to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * * * *	
Sodium poly(isopropenylphosphonate) (CAS Reg. No. 118632-18-1).	For use only in paper mill boilers.
* * * * *	

* * * * *

Dated: January 4, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-1078 Filed 1-17-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Change of Sponsor Name

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name from CEVA Laboratories, Inc., to Sanofi Animal Health, Inc.

EFFECTIVE DATE: January 18, 1990.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414

SUPPLEMENTARY INFORMATION: Sanofi Animal Health, Inc., 7101 College Blvd., Suite 610, Overland Park, KS 66210, advised FDA of a change of corporate name from CEVA Laboratories, Inc., to Sanofi Animal Health, Inc. The agency is amending the regulations in 21 CFR 510.600(c)(1) and (2) to reflect the change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 521—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry "CEVA Laboratories, Inc.," and by alphabetically adding an entry "Sanofi Animal Health, Inc.," and in the table in paragraph (c)(2) in the entry for "050604" by revising the sponsor name to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Sanofi Animal Health, Inc., 7101 College Blvd., Suite 610, Overland Park, KS 66210	050604
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
050604	Sanofi Animal Health, Inc., 7101 College Blvd., Suite 610, Overland Park, KS 66210.
* * * * *	

Dated: January 11, 1990.

Robert C. Livingston,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 90-1122 Filed 1-17-90; 8:45 am]

BILLING CODE 4160-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-1

General Services Administration Property Management Regulations; Deviation

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: Federal Property Management Regulation (FPMR) Amendment A-46 (final rule) which was published in the **Federal Register** on September 12, 1989, (54 FR 37651) deleted some outdated references and revised references to reflect the current FPMR system. It also established a more flexible policy for granting deviations from the requirements of the FPMR. Since 41 CFR Chapter 105-1 has an identical section on deviation, this final rule revises the section on deviation to reflect the current section in the FPMR.

EFFECTIVE DATE: January 18, 1990.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier; Directives and Correspondence Management Branch; 202-566-0666.

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternate approach involving the least net cost to society.

List of Subjects in 41 CFR Part 105-1

Government property management.

Title 41, part 105-1 of the Code of Federal Regulations is amended as follows:

1. The authority citation for 41 CFR part 105-1 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Section 105-1.110 is revised to read as follows:

§ 105-1.110 Deviation.

(a) In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations; i.e., the use of any policy or procedure in any manner that is inconsistent with a policy or procedure prescribed in the Federal Property Management Regulations, are prohibited unless such deviations have been requested from and approved by the Administrator of General Services or his authorized designee. Deviations may be authorized by the Administrator of General Services or his authorized designee when so doing will be in the best interest of the Government. Request for deviations shall clearly state the nature of the deviation and the reasons for such special action.