

has been imposed and of the means by which the respondent may satisfy the amount owed.

**§§ 498.114–498.125 [Reserved]**

**§ 498.126 Settlement.**

The Inspector General has exclusive authority to settle any issues or case, without the consent of the administrative law judge or the Commissioner, at any time prior to a final determination. Thereafter, the Commissioner or his or her designee has such exclusive authority.

**§ 498.127 Judicial review.**

Section 1140 of the Social Security Act authorizes judicial review of a penalty that has become final. Judicial review may be sought by a respondent only in regard to a penalty with respect to which the respondent requested a hearing under § 498.200ff of this part, unless the failure or neglect to urge such objection is excused by the court because of extraordinary circumstances.

**§ 498.128 Collection of penalty.**

(a) Once a determination has become final, collection of any penalty will be the responsibility of the Commissioner or his or her designee.

(b) [Reserved]

(c) In cases brought under section 1140 of the Social Security Act, a penalty imposed under this part may be compromised by the Commissioner or his or her designee and may be recovered in a civil action brought in the United States district court for the district where, as determined by the Commissioner, the:

- (1) Violation referred to in § 498.102(b) occurred; or
- (2) Respondent resides; or
- (3) Respondent has its principal office; or
- (4) Respondent may be found.

**§ 498.129 [Reserved]**

**§ 498.132 Limitations.**

The Office of the Inspector General may initiate a proceeding in accordance with § 498.109 of this part to determine whether to impose a penalty within 6 years from the date on which the violation was committed.

**§ 498.200 [Reserved]**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**20 CFR Parts 626 and 632**

**Job Training Partnership Act: Indian and Native American Programs Under Title IV–A**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Interim final rule.

**SUMMARY:** The Employment and Training Administration of the Department of Labor, in consultation with the Native American Employment and Training Council, is amending its regulations for the Indian and Native American program under title IV–A of the Job Training Partnership Act (JTPA or Act) by providing for waivers of regulatory requirements. These changes provide additional program flexibility to JTPA section 401 grantees, so that they may tailor their individual programs to better facilitate provision of services to those most in need of JTPA services, to enhance the quality of services provided and program outcomes in relation to labor market needs, to strengthen and better define fiscal and program accountability, to improve grantees' ability to provide services to their client populations by reducing or eliminating burdensome Federal requirements, and to foster a comprehensive and coherent system of human resource services.

**DATES:** *Effective date:* This interim final rule is effective on December 27, 1995.

*Comments:* Written comments are invited on this interim final rule. To be most useful in the development of the Final Rule, however, comments in response to this notice should be submitted in writing and received by January 26, 1996. However, such comments will be considered at any time up to the publication of the Final Rule.

**ADDRESSES:** Written comments shall be mailed to the Assistant Secretary for Employment and Training, Employment and Training Administration, Department of Labor, Room N–4641, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Paul A. Mayrand, Director, Office of Special Targeted Programs. Commenters wishing acknowledgment of receipt of their comments shall submit them by certified mail, return receipt requested.

Comments received will be available for public inspection during normal business hours at the Division of Indian and Native American Programs, U.S. Department of Labor, 200 Constitution

Avenue, NW., Room N–4641, Washington, DC 20210. Persons who need assistance to review the comments will be provided with appropriate aids such as readers or print magnifiers. To schedule an appointment, call (202) 219–5500 (VOICE) or (202) 326–2577 (TDD) (these are not toll-free numbers).

Copies of this interim final rule are available on computer disk or in a large-type edition which may be obtained at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas M. Dowd, Chief, Division of Indian and Native American Programs, Office of Special Targeted Programs, Employment and Training Administration, U.S. Department of Labor, Room N–4641, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219–8502 (VOICE) or (202) 326–2577 (TDD) (these are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** The Employment and Training Administration of the Department of Labor (Department or DOL) is amending its regulations at 20 CFR part 632 for Indian and Native American employment and training programs to implement a general waiver provision similar to the one appearing in the JTPA title II–A regulations at 20 CFR 627.201. In the absence of other revisions in the section 401 program regulations, this waiver provision will allow individual section 401 grantees the same latitude as the States to request waivers to current program regulations which they feel inhibit or obstruct their ability to provide employment and training services to their client populations.

**Regulatory Certifications**

This interim final rule is designed to allow individual JTPA section 401 grantees the flexibility to structure their job training programs to better meet the needs of their constituents. It does not fundamentally change the delivery system for providing services under JTPA title IV–A. It does not have the financial or other impact to make it a major rule and, therefore, the preparation of a regulatory impact analysis is not necessary. See Executive Order No. 12866, 58 FR 51735, October 4, 1993.

This rule was not preceded by a proposed rule and is not, therefore, a rule under the Regulatory Flexibility Act. Nevertheless, the Department of Labor has certified to the Chief Counsel for Advocacy, Small Business Administration, that, pursuant to the Regulatory Flexibility Act at 5 U.S.C. 605(b), this interim final rule would not have a significant economic impact on

a substantial number of small entities. No significant economic impact would be imposed on such entities by the interim final rule.

The Department has decided that it is in the best interests of the grantees to enact this interim final rule as quickly as possible. The Department intends to publish in the near future proposed and final regulations to implement the 1992 amendments to JTPA. It is likely, however, that final regulations will not be published in time to be implemented for the next program cycle. This interim final rule will permit grantees to make meaningful plans for the next program cycle. In the past, grantees have consistently sought this waiver provision. Members of the Council unanimously support this regulatory waiver capability as being in the best interests of the section 401 grantees. There are no mandatory requirements imposed on section 401 grantees as a result of this interim final rule. The decision to request or not request a specific waiver is up to the individual grantee, and will be considered by the Department on an individual basis. General input from the grantee community at large is strongly in favor of this interim final rule, because it will enable grantees to seek, and the Department to grant, relief from regulations which are currently not subject to waiver of any kind. It is broadly construed as being of benefit to the government and to all section 401 grantees.

Catalog of Federal Domestic Assistance Number

This program is listed in the *Catalog of Federal Domestic Assistance* at No. 17.251, "Native American Employment and Training Programs".

Paperwork Reduction

This interim final rule contains no new collection of information requirements.

List of Subjects

20 CFR Part 626

Grant programs—labor, Manpower training programs.

20 CFR Part 632

Grant programs—Indians,—Grant programs—labor, Indians Manpower training programs, Youth.

Interim Final Rule

Accordingly, 20 CFR Chapter V is amended as follows:

#### **PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT**

1. The authority citation for Part 626 is revised to read as follows:

Authority: 29 U.S.C. 1579(a).

2. In § 626.4, the consolidated table of contents is amended by adding a section heading for 632.70 under Part 632 to read as follows:

#### **§ 626.4 Table of contents for the Job Training Partnership Act regulations.**

\* \* \* \* \*

#### **PART 632—INDIAN AND NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS**

\* \* \* \* \*

#### **Subpart E—Program Design and Management**

632.70 Waiver of regulations under Parts 632 and 636.

\* \* \* \* \*

3. The authority citation for Part 632 is revised to read as follows:

Authority: 29 U.S.C. 1579(a).

4. Subpart E of Part 632 is amended by adding a new § 632.70 to read as follows:

#### **§ 632.70 Waiver of regulations under Parts 632 and 636.**

(a) A Native American section 401 grantee may request, and the Assistant Secretary of Labor for Employment and Training may grant, a waiver of specific provisions of 20 CFR Parts 632 and 636, or of any applicable administrative issuance, to the extent that such request is consistent with the provision of the Act.

(b)(1) In requesting a waiver under this section, the Native American section 401 grantee shall demonstrate how it will enhance the provision of services or outcomes to participants, which may include, but are not limited to, the following purposes: improving the targeting of services to the hard-to-serve; increasing the level of basic and occupational skills training provided by the JTPA program; contributing to the provisions of academic enrichment services to youth; promoting coordination of JTPA programs with other human resources programs; or substantially improving the job placement outcomes of the JTPA program.

(2) The request shall describe the regulatory requirements to be waived and demonstrate how such requirements impede the enhancement of the services and outcomes described in paragraph (b)(1) of this section.

(3) The waiver request shall indicate how the grantee will modify its

planning documents as a result of the waiver.

(c) A waiver shall not be granted for:

(1) Any statutory requirement;  
(2) The formula for allocation of funds;

(3) Eligibility requirements for services as provided in this part;

(4) Requirements for public health or safety, labor standards, civil rights, occupational safety or health, or environmental protection; or

(5) Prohibitions or restrictions relating to construction of buildings or facilities.

(d) Waivers granted shall be effective for no more than four years from the date the waiver is granted.

Signed at Washington, DC, this 13th day of November 1995.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 95-28434 Filed 11-24-95; 8:45 am]

BILLING CODE 4510-30-M

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

#### **21 CFR Parts 430, 436, and 442**

[Docket No. 95N-0186]

#### **Antibiotic Drugs; Cefpodoxime Proxetil, Cefpodoxime Proxetil Tablets, and Cefpodoxime Proxetil Granules for Oral Suspension**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to include accepted standards for a new antibiotic drug, cefpodoxime proxetil, and its use in two dosage forms, cefpodoxime proxetil tablets and cefpodoxime proxetil granules for oral suspension. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

**DATES:** Effective December 27, 1995; written comments, notice of participation, and request for a hearing by December 27, 1995; data, information, and analyses to justify a hearing by January 26, 1996.

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