104–177, 110 Stat. 1563, August 6, 1996, modifying the 18 U.S.C. § 205 restrictions to permit employee representation of employee organizations under certain circumstances, prompted OPM to modify its final rule regarding 5 CFR part 251.

OPM, in its proposed rule, captures the essence of that relaxed restriction, while noting that subsection (d)(2) of amended Section 205 sets forth the circumstances in which a Federal employee may not act as agent or attorney representing an employee organization. It would be misleading to exclude the restrictions the law maintains, especially since violations of the Section 205 restrictions subject individual employees to the civil and/or criminal penalties set forth in 18 U.S.C. § 216.

The Federal department commented on the third restriction set forth in the amendment and reflected in the supplementary information portion of the proposed rule. The commenter suggested that the third situation which disallows Federal employees from requesting grants, contracts or Federal funds on behalf of an employee organization is not clear in the supplementary information portion of the proposed rule. It is suggested that the language does not make clear whether an employee could negotiate with a Federal agency on behalf of an organization over the terms of a contract. The commenter points out that a review of the law and the legislative history make it clear that the restriction is meant to apply only when the contract involves the expenditure of Federal funds. For example, an employee could represent a day-care center in the day-care center's rent, but the employee could not represent the center in the center's application for a grant from the U.S. Department of Education.

We agree with the commenter that the restriction on representation remains for any matter that ''involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.'' Federal Employee Representation Improvement Act of 1996, Public Law 104–177, Sec. 2(d)(2)(C). The relevant legislative history states: ''[d]ue to limited Federal resources, employee organizations should be on the same footing as other[s] looking for Federal funds.'' House Report No. 104–230, August 4, 1995. OPM believes, however, that the language in the supplementary information of the proposed regulations is clear and does not need modification.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will only affect Federal Government employees and non-labor organizations representing such employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 251

Government employees.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending 5 CFR part 251 as follows:

PART 251—AGENCY RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING FEDERAL EMPLOYEES AND OTHER ORGANIZATIONS

1. The authority citation for part 251 continues to read as follows:

Authority: 5 U.S.C. § 1104; 5 U.S.C. Chap 7; 5 U.S.C. § 7135; 5 U.S.C. § 7301; E.O. 11491.

2. In § 251.101, paragraph (f) is revised to read as follows:

§ 251.101 Introduction

* * * * *

(f) Federal employees, including management officials and supervisors, may communicate with any Federal agency, officer, or other Federal entity on the employee's own behalf. However, Federal employees should be aware that 18 U.S.C. 205, in pertinent part, restricts Federal employees from acting, other than in the proper discharge of their official duties, as agents or attorneys for any person or organization other than a labor organization, before any Federal agency or other Federal entity in connection with any matter in which the United States is a party or has a direct and substantial interest. An exception to the prohibition found in 18 U.S.C. 205 permits Federal employees to represent certain nonprofit organizations before the Government except in connection with specified matters. Agency officials and employees are therefore advised to consult with their designated agency ethics officials for guidance regarding any conflicts of interest that may arise.

[FR Doc. 98–974 Filed 1–14–98; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Chlortetracycline, Sulfathiazole, Penicillin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Hoffmann-La Roche, Inc. The ANADA provides for use of Type A medicated article containing chlortetracycline, sulfathiazole, and penicillin to make a Type C medicated swine feed.

EFFECTIVE DATE: January 15, 1998

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209.

SUPPLEMENTARY INFORMATION: Hoffmann-La Roche, Inc., 340 Kingsland St., Nutley, NJ 07110–1199, filed ANADA 200–167 that provides using Aureozol®, a Type A medicated article containing chlortetracycline calcium complex equivalent to 40 grams per pound (g/lb) chlortetracycline hydrochloride, sulfathiazole 8.8 percent (40 g/lb), and penicillin (from penicillin procaine) 20 g/lb, to make a Type C medicated swine feed. The Type C swine feed contains 100 g of chlortetracycline, 100 g of sulfathiazole, and 50 g of penicillin per ton of feed. It is a complete feed for swine raised in confinement (dry lot) or on limited pasture. It is used in swine pre-starter and starter feeds for reduction of incidence of cervical abscesses, treatment of bacterial enteritis (salmonellosis or necrotic enteritis caused by *Salmonella choleraesuis* and vibrionic dysentery), maintenance of weight gain in the presence of atropic rhinitis, increased rate of weight gains and improved feed efficiency from 10 pounds of body weight to 6 weeks post-weaning. It is used for swine grower and finisher feed for reduction of incidence of cervical abscesses, treatment of bacterial

enteritis (salmonellosis or necrotic enteritis caused by *S. choleraesuis* and vibrionic dysentery), maintenance of weight gains in the presence of atropic rhinitis, increased rate of weight gain from 6 to 16 weeks post-weaning. Hoffmann-LaRoche's ANADA 200–167 is approved as a generic copy of Boehringer Ingelheim Animal Health, Inc.'s NADA 39–077 CSP 500 Fermazole Brand (chlortetracycline (as hydrochloride), sulfathiazole, penicillin (from penicillin procaine)). The ANADA is approved as of January 15, 1998, and the regulations are amended in 21 CFR 558.155(a)(2) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

This approval is for use of a Type A medicated article to make Type C medicated feeds. The Type A medicated article is a Category II drug which, as provided in 21 CFR 558.4, requires an approved form FDA 1900 for making a Type C medicated feed. The Animal Drug Availability Act of 1996 (Pub. L. 104–250) replaces the procedures for approval of certain medicated feeds with a general licensing system. A medicated feed previously requiring an approved medicated feed application now requires manufacturing in a licensed medicated feed mill. Therefore, use of this Type A medicated article to make Type C medicated feeds as provided in ANADA 200–167 is required to be manufactured at a licensed feed mill.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.155 [Amended]

2. Section 558.155 *Chlortetracycline, sulfathiazole, penicillin* is amended in paragraph (a)(2) by removing ''000010'' and adding in its place ''054273''.

Dated: January 2, 1998.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 98–703 Filed 1–14–98; 8:45 am]

BILLING CODE 4160–01–F

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in February 1998.

EFFECTIVE DATE: February 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during February 1998.

For annuity benefits, the interest assumptions will be 5.50 percent for the first 25 years following the valuation date and 5.25 percent thereafter. The annuity interest assumptions represent a decrease (from those in effect for January 1998) of 0.10 percent for the first 25 years following the valuation date and are otherwise unchanged. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. The lump sum interest assumptions are unchanged from those in effect for January 1998.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during February 1998, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 52 is added to Table II, as set forth below.