

Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, telephone (312) 751-4513, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION: The Board conducts its business in real property owned or leased by the General Services Administration. All property occupied or reserved for Board use must comply with Public Law 104-52. Tobacco products may not be sold in vending machines and free samples of tobacco products may not be distributed in or around property occupied and maintained by the Board. The Board will permit the sale of tobacco products to individuals 18 and older by staffed concession stands on property occupied and maintained by the Board.

Because of the importance of the subject matter of this rule, the Board is publishing it as an interim final rule rather than as a proposed rule. However, any person wishing to comment on this rule may do so within 30 days of the date of this publication in the Federal Register.

The agency has determined that this is not a significant regulatory action for purposes of Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 368

Railroad retirement, Smoking, Tobacco.

Title 20 CFR, chapter II is amended by adding a new part 368 to read as follows:

PART 368—PROHIBITION OF CIGARETTE SALES TO MINORS

Sec.

- 368.1 Introduction.
- 368.2 Definitions.
- 368.3 Vending machines.
- 368.4 Concession stands.
- 368.5 Free tobacco samples.

Authority: Sec. 636, Pub. L. 104-52, 109 Stat. 507 (40 U.S.C. 486nt).

§ 368.1 Introduction.

This part implements Public Law 104-52, the "Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act," which prohibits the sale of tobacco products through vending machines and the distribution of free samples of tobacco products on Federal property.

§ 368.2 Definitions.

As used in this part—

Federal property includes any building and real property occupied and maintained by the Board.

Minor means an individual under the age of 18 years.

Tobacco product means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

§ 368.3 Vending machines.

The sale of tobacco products in vending machines is prohibited in or around Federal property occupied and maintained by the Railroad Retirement Board.

§ 368.4 Concession stands.

Tobacco products may be sold on property occupied and maintained by the Railroad Retirement Board only as authorized by the Railroad Retirement Board or the General Services Administration or other Federal agency. Concession stands may not sell tobacco products to minors.

§ 368.5 Free tobacco samples.

The distribution of free samples of tobacco products is prohibited in or around Federal property occupied and maintained by the Railroad Retirement Board.

Dated: February 21, 1996.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Issuance of Notices Relating to Debarment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to FDA officials in the Center for Drug Evaluation and Research (CDER), the Center for Veterinary Medicine (CVM), and the Center for Biologics Evaluation and Research (CBER) by adding a new delegations section concerning the issuance of notices relating to proposals and orders for debarment and denial of an application to terminate debarment. Additionally, FDA is amending the regulations regarding petitions so that certain officials of CDER, CVM, and CBER are authorized to respond to petitions concerning debarment and

refusal to terminate debarment. This action will make the process of issuing such notices and responses to petitions more efficient.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT:

Ellen Rawlings, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: New section 306 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 335a), created by the Generic Drug Enforcement Act of 1992, authorizes the Secretary of Health and Human Services and, by previous delegation, the Commissioner of Food and Drugs (the Commissioner) to take actions relating to debarment proposals and orders as well as proposals and orders to deny an application to terminate a debarment order. Certain aspects of this authority are being redelegated in new § 5.98 from the Commissioner to the Directors of CDER, CVM, and CBER, to the Deputy Directors of CDER and CVM, and the Associate Director for Policy Coordination and Public Relations, CBER, as appropriate. In addition, FDA is amending § 5.31 (21 CFR 5.31) by delegating authority to the Directors of CDER, CVM, and CBER, to the Deputy Directors of CDER and CVM, and the Associate Director for Policy Coordination and Public Relations of CBER to respond to petitions concerning actions they are authorized to take under new § 5.98. The redelegations will make the process of issuing such notices and responses to petitions more efficient.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261-1282,

3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 467f, 679(b), 801-886, 1031-1309; secs. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701-1706, 2101, 2125, 2127, 2128 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u-300u-5, 300aa-1, 300aa-25, 300aa-27, 300aa-28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Pub. L. 99-660 (42 U.S.C. 300aa-1 note).

2. Section 5.31 is amended by adding new paragraphs (f)(1)(vi), (f)(2)(x), and (f)(8) to read as follows:

§ 5.31 Petitions under part 10.

* * * * *

(f) * * *

(1) * * *

(vi) Section 5.98 *Issuance of notices relating to proposals and orders for debarment and denial of an application to terminate debarment.*

(2) * * *

(x) Section 5.98 *Issuance of notices relating to proposals and orders for debarment and denial of an application to terminate debarment.*

* * * * *

(8) The Director and Deputy Director, CVM, are authorized to grant or deny citizen petitions submitted under § 10.30 of this chapter concerning actions they are authorized to take under § 5.98 *Issuance of notices relating to proposals and orders for debarment and denial of an application to terminate debarment.*

3. New § 5.98 is added to subpart B to read as follows:

§ 5.98 Issuance of notices relating to proposals and orders for debarment and denial of an application to terminate debarment.

The Director and Deputy Director, Center for Drug Evaluation and Research (CDER), the Director and Deputy Director, Center for Veterinary Medicine (CVM), and the Director and Associate Director for Policy Coordination and Public Relations, Center for Biologics Evaluation and Research (CBER) are authorized to issue the following notices under section 306 of the Federal Food, Drug, and Cosmetic Act (the act) which relate to the assigned functions of their organizations:

(a) Notices of opportunity for hearing on proposals for mandatory or permissive debarment.

(b) Notices ordering debarment when opportunity for a hearing has been waived.

(c) Notices ordering debarment where the person notifies the agency that the person acquiesces to debarment under section 306(c)(2)(B) of the act.

(d) Notices of opportunity for hearing on proposals denying an application to terminate debarment under section 306(d)(3) of the act.

(e) Orders denying an application to terminate debarment under section 306(d)(3) of the act when opportunity for a hearing has been waived.

Dated: February 26, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96-4914 Filed 3-1-96; 8:45 am]

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UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Statement of policy and notice to sponsors.

SUMMARY: Public Law 104-72 directs the Agency to continue its oversight of au pair activities in the United States until September 30, 1997. This announcement sets forth the Agency's intended implementation of this law.

EFFECTIVE DATE: This policy statement is effective March 4, 1996.

FOR FURTHER INFORMATION CONTACT:

Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street SW., Washington, DC 20547; telephone, (202) 619-6829.

SUPPLEMENTARY INFORMATION: Au pair programs, whereby European youths are placed with American host families seeking child care, have been overseen by the Agency since 1986. Originally begun as a pilot project, the au pair program has expanded over the past ten years to now encompass eight Agency-designated sponsors who facilitated the entry of some 11,000 au pair participants in 1995. Congress, in enacting Public Law 104-72, extended temporarily the Agency's authority to oversee this activity. As discussed below, the Congress also addressed two long-standing programmatic matters of concern to the Agency.

Since begun in 1986, au pair participants have only been selected from the countries of Western Europe. This limitation was set forth in initial pilot-project guidelines but remained in

place pursuant to subsequent legislation that directed the Agency to continue its oversight of au pair activities under the "same terms and conditions" of the pilot guidelines. Public Law 104-72 removes this programmatic limitation by directing the Agency to oversee au pair activities conducted on a "world-wide basis."

Accordingly, the Agency has advised au pair sponsors that, unless otherwise prohibited by law, au pair participants may be recruited from all world countries. The Agency construes "world-wide" basis to not include nationals of countries lacking diplomatic relations with the United States. Further, the Agency is of the opinion that "World wide basis" would allow a national of one country, resident in another, to be recruited and issued a visa in the country of residence.

The Agency concludes that Public Law 104-72 renders inoperative, the "same terms and conditions" requirement of prior legislation. Accordingly, the Agency will accept applications from United States organizations seeking designation as an au pair sponsor. Due to the time-limited authority given the Agency in Public Law 104-72, all designated au pair sponsors will continue to be given temporary, not permanent, program designations. Such designations will be made by the Agency under the authority of Public Law 104-72 and not under the Agency's Fulbright-Hays Act authorities as set forth at 22 U.S.C. 1474 et seq.

Finally, the Agency hereby gives notice of its intent to limit the number of au pair participants to not more than 22,720. The Agency does not believe that currently designated sponsors, and those organizations receiving new designations, will be affected by this numerical limitation. This belief is based upon the past history of au pair activities and the Agency's knowledge of the growth rates of similar programs overseen by the Agency.

The Agency specifically reserves the right to limit the number of participants sponsored by an individual organization. Participant levels for newly designated au pair sponsors will be determined by the Agency in consultation with the sponsor. The organization's prior experience, organizational capacity, and resources will be specifically considered in determining participant levels.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.