COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Amendment to Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission; Receipt and Disposition of Foreign Gifts and Decorations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final amendment.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is amending a provision of its regulations, 17 CFR 140.735–4 (1998), which sets forth the responsibilities of Commission members and employees concerning the receipt and disposition of gifts and decorations from foreign governments. The Commission adopted this regulation in 1982 to comply with the Foreign Gifts and Decorations Act, 5 U.S.C. 7342 (1994). The amendment clarifies the fact that gifts of travel expenses in excess of minimal value must be reported to and approved by the CFTC's Executive Director in accordance with the procedures set forth in the Commission's regulation whereas the receipt of travel benefits or expenses for services rendered need not be reported. The Commission is publishing this amendment in final form without soliciting comments pursuant to 5 U.S.C. 553(b)(3) because it involves a rule of agency procedure and does not alter current requirements. Therefore, notice and public procedure would be unnecessary.

EFFECTIVE DATE: June 16, 1998.

FOR FURTHER INFORMATION CONTACT: George Wilder, Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5120, or electronically at gwilder@cftc.gov.

SUPPLEMENTARY INFORMATION: The Commission amends its regulation concerning the receipt and disposition of foreign gifts and decorations to conform more clearly to the statutory provisions enacted by Congress. This amendment clarifies that an employee, which includes the spouse of a Commission member or employee, need not report his or her acceptance of travel benefits or expenses provided in exchange for services rendered. This situation is most likely to arise when the spouse of a Commission member or employee provides services to a foreign government or other organization described in Rule 140.735–4. In such circumstances, the acceptance of travel expenses will not trigger the reporting requirements of the Commission's regulation.

The Commission finds that this rule amendment relates solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, generally requiring notice of proposed rulemaking and opportunity for public comment, are not applicable. The Commission further finds that, because the amendment does not alter current requirements and only affects Commission members and employees who will be notified by internal means, there is good cause to make this amendment effective upon publication in the **Federal Register**.

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–611 (1994 and Supp. II (1996)), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. Section 3(a) of the RFA defines the term ''rule'' to mean ''any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title * * * for which the agency provides an opportunity for notice and public comment.'' 5 U.S.C. § 601(2). Since the amendment to the Commission's regulation was not effected pursuant to Section 553(b), it is not a ''rule'' as defined in the RFA, and the analysis and certification process required by that statue does not apply.

List of Subjects in 17 CFR Part 140

Organization and functions (Government agencies).

In consideration of the foregoing, the Commission amends Title 17, Part 140 of the Code of Federal Regulations as follows:

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

Subpart C—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

1. The authority citation for Part 140 continues to read as follows:

Authority: 7 U.S.C. 4a (f) and (j), 12a(5), and 13.

2. Section 140.735–4 is amended by revising paragraphs (b)(3) and (c)(5) introductory text to read as follows:

§ 140.735–4 Receipt and disposition of foreign gifts and decorations.

* * * * *

(b) * * *

* * * * *

(3) Accept gifts of travel or gifts of expenses for travel, such as transportation, food and lodging, from foreign governments, other than those authorized in paragraph (c)(5) of this section; or

* * * * *

(c) * * *

* * * * *

(5) Commission members and employees are authorized to accept from a foreign government gifts of travel or gifts of expenses for travel taking place entirely outside the United States, such as transportation, food and lodging, of more than minimal value if the acceptance is approved by the Executive Director, upon a finding that it is consistent with the interests of the Commission. Either prior to or within 30 days after accepting each gift of travel or gift of travel expenses pursuant to this paragraph, the Commission member or employee concerned shall file a statement with the Executive Director containing the following information:

* * * * *

Dated: June 5, 1998.

Issued by the Commission.

Jean A. Webb,

Secretary of the Commission, Commodity Futures Trading Commission.

[FR Doc. 98–15720 Filed 6–15–98; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 10

[Docket No. 98N–0361]

Administrative Practices and Procedures; Internal Review of Agency Decisions

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations governing the review of agency decisions by inserting a statement that sponsors, applicants, or manufacturers of drugs (including biologics) or devices may request review of a scientific controversy by an appropriate scientific advisory panel, or an advisory committee. This action is being taken to clarify the availability of review of scientific controversies by such advisory panels and committees.