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For information on briefing in Washington, DC, see announcement on the inside cover of this issue.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 735

RIN 0560–AD14

Using Electronic Cotton Warehouse Receipts—Amendment to the United States Warehouse Act Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations under the United States Warehouse Act (USWA) for cotton warehouses. This final rule permits the use of automated electronic data (electronic warehouse receipts (EWRs)) through a provider for the purpose of establishing rights to cotton held in storage by licensed warehousemen. The intent of these changes is to maintain the integrity of USWA cotton warehouse receipts, while permitting licensed warehousemen to use electronic information management systems in place of negotiable paper receipts.

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Lynda Moore or Steve Mikkelsen, Agricultural Marketing Specialists, United States Department of Agriculture (USDA), Agricultural Stabilization and Conservation Service (ASCS), PO Box 2415, Washington, DC 20013–2415, telephone 202–720–2121, FAX 202–690–0014.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. Based on information compiled by the USDA, it has been determined that this final rule:

(1) Would not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Would not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

No Significant Impact

The Administrator of ASCS certifies that this action will not have a significant economic impact on a substantial number of participating individuals or entities because the procedure set out in this rule would not increase, but would rather decrease, the time and paperwork necessary to process an administrative review.

Executive Order 12612

Executive Order 12612 of October 26, 1987, entitled "Federalism", requires that Executive departments and agencies shall, to the extent permitted by law, adhere to certain principles of federalism. The Administrator of ASCS has determined that this program will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Environmental Evaluation

It has been determined by an environmental evaluation that this action would have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. This final rule does not have any preemptive effect with respect to State laws with the exception that for State law purposes an EWR on cotton stored in a federally licensed warehouse shall have the same effect as a paper warehouse receipt issued by the same warehouse.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because it has been determined that this rule will not have a significant effect on a substantial number of small businesses. This rule will substantially reduce the paperwork for those warehousemen participating in the EWR program. However, these warehousemen have the option of participating and may choose which system they prefer to use.

Paperwork Reduction Act

This final rule contains new recordkeeping requirements for warehousemen that elect to participate. However, since this procedure is voluntary, not mandatory, all additional workload and time will not affect licensed warehousemen who do not participate in the EWR system.

Background

Pursuant to the provisions of the USWA, the Secretary has the authority to license public warehousemen of cotton (7 U.S.C. 241 *et seq.*). As a part of this licensing authority, the Secretary has the responsibility to regulate the issuance of warehouse receipts by the cotton warehousemen it licenses (7 U.S.C. 260). Currently, the provisions of section 18 of the USWA and 7 CFR part 735 of the regulations prescribe the content and the issuance of cotton warehouse receipts.

The USWA was amended twice to provide the Secretary (through ASCS) with the discretionary authority to allow the cotton warehousemen it licenses to issue cotton warehouse receipts in electronic format (EWRs). This final rule implements this discretionary authority

Licensed cotton warehousemen may issue EWRs for bales of cotton stored in their warehouses. The system which contains these EWRs will be maintained by private providers. Providers used by licensed warehousemen must be approved by and have an Agreement with ASCS. EWRs issued under the authority of the USWA will be considered equal to, and have the same legal effect as, paper warehouse receipts. The USWA was enacted in 1916 to improve this country's agricultural warehousing industry and establish warehouse receipts that are uniformly dependable and acceptable in financial circles and represent a commodity serving as reliable collateral for loans through a voluntary warehouse licensing program. USWA paper warehouse receipts have consistently maintained high integrity.

With the advent of safe, reliable, and secure electronic storage and processing of data, the use of paper warehouse receipts may become obsolete. The introduction of USWA EWRs will serve the warehousing industry and its customers by allowing cotton warehouses to take advantage of today's electronic data storage and transmission systems.

To ensure the continuation of the integrity and respect of USWA warehouse receipts, ASCS expects high standards of approved providers. Approved providers must have an Agreement with ASCS; comply with the terms of that Agreement; maintain specific financial and bonding requirements; pay user fees established by ASCS; establish and retain contemporaneous records of each EWR entry and access; and be liable to the Secretary for issues associated with system failure or malfunction. Additionally, providers must furnish annual audit level financial statements and submit to electronic data processing audits. Providers, at all times, must grant the Secretary, or his designee, free access to all records pertaining in any way to the USWA or the system.

The proposed rule contained new requirements regarding additional information required to be contained in EWRs that are not currently in section 18 of the USWA or 7 CFR 735.16. Some of the proposed requirements have not been adopted in this final rule. The primary requirement eliminated is that EWRs must designate the names of the current owners. Section 735.16 has been amended allowing additional information, such as, classing data; quality factors; and other items pertinent to the transfer of EWRs from one holder to another.

General Summary of Comments

A proposed rule was published in the **Federal Register** (58 FR 43298) on August 16, 1993. Comments from interested parties were due on or before October 15, 1993. Twenty-four letters were received after the close of the comment period and were not considered.

One hundred and twenty-seven letters from 130 individuals and entities were received during the comment period. Of the 127 letters, 112 were identical, and appeared to be part of an organized campaign. These comments will be weighed appropriately. These 112 covered three topics: provider restrictions, State-licensed warehouses, and fees. The 130 individuals and entities are comprised of: 94 individuals, 9 cotton gins, 5 co-ops, 8 warehousemen, 4 Members of Congress, 4 Associations, 4 cotton merchants, and 2 millers. Because most of the letters contain more than one comment, the total number of comments received was 423.

Discussion of Comments

In general the comments were supportive of the concepts behind the proposed rule. However, many of the comments suggested that the final rule should contain more specific regulations defining how EWR records should be maintained and how they should be transferred, as well as more regulations regarding providers and their relationship with ASCS and the users. In short, these commenters saw ASCS as having a substantial regulatory role by controlling every detail of this process.

The final rule did adopt some of the changes suggested. The final rule does include more detail regarding the financial and insurance requirements for providers. However, in most cases it does not include the detailed regulations regarding specific operations, such as, the manner in which backup files should be maintained or what specific security measures must be taken to protect the central filing system. The approach taken in the final rule is that this regulation addresses issues that will advance and grow substantially over the next few years. As a result, technology and experience will lead to an evolution of how these matters should be resolved. Thus, any regulation that provides details suggested would soon become obsolete. Therefore, these regulations were drafted with the intent of establishing and defining responsibilities among ASCS, warehousemen, providers, and users. The affected parties will be required to determine how best to satisfy these responsibilities now, and they will be allowed to improve these solutions in the future without first seeking an amendment to this regulation.

Because many sections of this regulation are interrelated, the individual comments received were applicable to different sections of the regulation. As a result, ASCS will discuss the comments and the changes to the regulation they produced on a topical, as opposed to section by section, basis. The comments have been divided into the following categories: Providers, State-Licensed Warehouses, Fees, Warehouse Receipt Conversion, Cotton Ownership, and Central Filing System.

1. Providers

Two issues were discussed involving providers: the restrictions on who can be a provider and the qualifications of a provider.

A. Restrictions

A total of 119 comments were received regarding the limitations contained in the proposed rule on who could act as a provider (112 of these were identical). 117 comments expressed concern that these regulations would discriminate against entities in the cotton industry providing this service. Further, the 112 identical comments stated that Plains Cotton Cooperative Association has provided an electronic system for the past four years and should be allowed to continue. One comment questioned whether the proposed rule language would limit providers to USWA warehouses. One comment suggested that the restrictions on providers listed in the proposed rule were not strict enough. This commenter indicated that providers should be involved in no "activities associated with marketing cotton".

After reviewing these comments, the final rule modified the proposed rule to allow any individual or entity that meets the financial and security requirements of this regulation to be a provider. The financial and security requirements of these regulations will provide users with sufficient protection against the potential failure of a provider. ASCS did consider the risk that a provider may attempt to use information in its central filing system to its advantage, which is why ASCS included strict conflict of interest provisions in the proposed rule. However, after further review, it was determined that such restrictions would unduly limit the number of providers

and potentially jeopardize the program. Since use of the system is voluntary, those participating should be aware that the provider may have a conflict of interest and those participants should act accordingly. These regulations do not require that a holder of a USWA warehouse receipt have an EWR issued or retained electronically. A holder who has concerns regarding EWRs has the right to require that the receipt be reissued as a paper receipt.

While ASCS does not believe that the proposed rule limited providers to USWA warehousemen, ASCS has clarified this section of the final rule to clearly indicate that providers may be any individual or entity, including USWA warehousemen.

B. Qualifications

A total of four comments were received regarding the qualifications of a provider. One comment indicated that the provisions of the proposed rule were not specific enough regarding the financial standards that must be met. The commenter suggested that high dollar capitalization and insurance amounts (unspecified) should be required. One comment suggested a very specific list of insurance ($2 million), bond ($300,000 to $750,000), and net worth (up to $1 millon) requirements. One comment suggested that a sizable bonding requirement be imposed. One comment suggested that strict financial and technical requirements, unspecified, be imposed.

After consideration of these comments, ASCS added to the final rule a list of very specific financial and insurance requirements for providers in § 735.102(a) and believes that the financial requirements, performance security, and suspension terms provide adequate protection to users and providers.

2. State-Licensed Warehouses

One-hundred and fourteen comments (112 of which were identical) were received regarding State-licensed warehousemen. All commenters indicated that State-licensed warehouses should be included under these regulations.

It was determined that it was not necessary to amend this portion of the proposed rule. The background information provided in the proposed rule discussed this issue. It stated that this regulatory change would allow providers to accept EWRs from warehousemen not licensed by the Secretary. However, the Secretary would not regulate or take any responsibility for such warehousemen, the content of such warehouse receipts, or the manner in which such warehouse receipts are issued. Such matters must be governed by applicable State laws.

The final rule does not include any regulation of State-licensed warehouses or their receipts. However, the definition of "user" in these regulations and in the provider agreements that will be executed will include any individual or entity that uses the services of the provider to file or access warehouse receipt information. Therefore, nothing in this regulation prohibits a provider from accepting EWRs from non-federally licensed warehousemen.

3. Fees

One-hundred and twenty comments were received on the subject of fees (112 of these were identical). All commenters question the per bale fee of $0.10 to $1.00 to administer and supervise the EWR system. The commenters suggested that if the fee set by ASCS was too high, it would render the program uneconomical.

ASCS considered these comments and understands that the level of fees could affect the use of this program. When the proposed rule was written, the fees quoted were nothing more than conjecture, since it is unknown exactly what fees will be charged. These regulations and the provider agreement will state that the provider's fees will be announced and assessed by ASCS annually prior to April 30th of each year. The Secretary is obligated by law to "* * * charge and provide for the collection of reasonable fees to cover the estimated costs to the Department of Agriculture incident to the functioning and maintenance of any central filing system * * *" The Secretary will not operate and regulate such a system for a profit. If fees set are determined to be excessive, they will be adjusted.

4. Warehouse Receipt Conversion

Eight comments were received that addressed the conversion from paper warehouse receipts to electronic and vise versa. One comment indicated that the right to have an EWR converted to a paper receipt be limited to the first three crop seasons after the final rule is promulgated so as to reduce costs and encourage the phasing out of paper warehouse receipts. Three comments indicated that a user must have an unlimited right to convert an EWR to a paper warehouse receipt. One comment indicated that the conversion of EWRs to paper should be done in such a way to prevent the need to retag bales. One comment indicated that by adopting a proposal of universal tag numbers for bales of cotton, the conversion of warehouse receipts between the paper and electronic systems would be smoother. One comment indicated that the final rule should contain more specific procedures describing the conversion of receipts between the paper and electronic systems. One comment indicated that providers should issue paper warehouse receipts and that these receipts could be issued in blank.

Based on a review of these comments, it was determined to retain the rights for holders to convert receipts between the paper and electronic systems with the exception that such conversions do not need to be approved by the owner of the cotton. ASCS believes the convertibility of these receipts is necessary until electronic receipts are fully accepted by the industry as a replacement for paper receipts and to serve as a backup for situations when a warehouse may be having difficulties with the provider.

While some in the cotton industry believe that eventually electronic receipts will replace paper receipts, ASCS could not determine whether such a total conversion is appropriate, or even feasible, in the foreseeable future. As supported by other comments received, the convertibility of receipts is necessary to provide the industry with the confidence that if problems should develop with the electronic receipt system, ASCS has a viable paper system as a backup. As noted previously, any system which allows the provider to operate with a built-in conflict of interest must give users an alternative opportunity.

Providers do not have the authority to issue any warehouse receipt, either paper or electronic. They provide the recordkeeping system for warehouse receipts issued by the warehousemen. Pursuant to the provisions of the USWA, warehousemen are responsible for the issuance of all warehouse receipts. Therefore, ASCS cannot authorize providers to issue paper receipts.

5. Cotton Ownership

Four comments were received regarding the listing of the ownership of cotton on the EWR. All comments indicated that it was inappropriate to have owners of cotton listed on the receipt. They believed that such a listing was not necessary and would cause an undue burden and expense.

After considering these comments, ASCS has removed the requirement for listing owners on EWRs.

6. Central Filing System

Fifty comments were received regarding the central filing system. These comments can be grouped into

the following subjects: security of the system, management of central filing system, providers agreement, bale numbers, and system access.

A. Security of the System

Seven comments were received regarding the provisions that address the security of the system. Three comments indicated that the proposed rule did not provide standards to determine whether the security measures for a central filing system are adequate. One comment indicated that ASCS' financial statement auditing requirements should be strengthened to require that all audits be done at the audited level. One comment indicated that the requirement for a "statement of changes in financial position" should be changed to a requirement for a "statement of cash flow." One comment indicated that the proposed rule should be changed to eliminate the requirement that the accountants provide certifications or comments on financial statements. Under the applicable standards of accounting, certifications or comments to a financial statement are not required. One comment indicated under current procedures, before an accountant can express an opinion regarding the status of an electronic data processing system, the provider must be required to make certain assertions regarding the system which then can be audited. There has not been developed an independent set of data processing security standards that have been accepted by the accounting community.

It has been determined that the security provisions of the proposed rule will be retained in the final rule with the exception that ASCS has eliminated the need for an electronic data processing audit performed in accordance with the standards of the American Institute of Certified Public Accountants. The reason for this change is that appropriate standards that may be adapted for our use do not appear to exist.

It has been determined that holders should not be allowed to unilaterally move a warehouse receipt from one provider to another. In order to maintain the integrity of the system and to require that licensed warehousemen be responsible for the receipts they issue, ASCS must require that warehousemen be in control over the provider that retains their warehouse receipts. Otherwise, any one warehouseman's receipts could be spread out among several providers which would make it impossible to audit the warehouseman's inventory. Even the warehousemen may not know where all of their receipts are retained.

The final rule does not provide more specifics regarding the security measures that must be imposed by the provider to protect the system for two reasons. First, ASCS anticipates that providers would separately develop systems around their efficiencies. Limiting providers to one particular system would not promote such efficiencies. Second, it is impossible to foresee all of the potential problems that could arise in a central filing system. Therefore, the final rule places the responsibility for security on the provider. However, should ASCS determine that a provider's security system is inadequate for any reason, ASCS has the authority to immediately shut down that system to protect the integrity of the program.

B. Management of Central Filing System

Twenty-two comments were received regarding the regulation and management of the central filing systems. One comment indicated that the Secretary should approve providers, as opposed to, licensing them. One comment indicated that prior approval should not be required before the transfer of EWRs from one provider to another. Two comments indicated that warehousemen should be able to freely change from one provider to another within the 12-month agreement cycle indicated in the proposed rule. One comment indicated that the word "its" was missing from § 735.105(b). One comment questioned the meaning of the term "valid contract" in § 735.105(d). Two comments suggested that the provision in the proposed rule that gives the Secretary the authority to suspend a provider agreement if the provider fails to maintain "control" over its central filing system, is too vague. One comment questioned whether a suspended provider could accept warehouse receipts from warehousemen who are not licensed by the Secretary. Two comments questioned the meaning of the term "central filing system" in the context of the use of the term in the Food and Security Act of 1985 regarding liens. Two comments suggested that the final rule should delete the provision requiring written permission to agree to the transfer of receipts between providers. One of these comments recommended that the best way to handle this is to simply allow the creation of a paper warehouse receipt as a means of transferring receipts between providers. One comment suggested that the final rule should contain more regulations regarding the transfer of warehouse receipt records between providers. One comment suggested that there are several provisions of the proposed rule that are contradictory regarding the transfer of warehouse receipts between providers. One comment suggested the Secretary regulate the relationship between the users and the providers. One comment indicated that the use of the word "on" in the definition "central filing system" makes the meaning of the term too restrictive and should be replaced with either "concerning" or "relating to." One comment suggested that the proposed rule failed to identify any additional recordkeeping requirements for warehousemen who issue EWRs. One comment suggested that the final rule should allow for additional information to be on the EWRs, especially for "certificated bales of cotton." One comment sought clarification to be sure that only one active warehouse receipt record should exist at a time for any bale of cotton. One comment recommended that the USWA warehousemen should not be required to notify the Secretary 60 calendar days in advance of the use of the provider they have selected before they can issue EWRs. One comment suggested that the provisions of § 735.17 regarding the need for backup information is inconsistent with the creation of EWRs.

Based on the comments received, the final rule modified the proposed rule in the following ways: (1) ASCS will not license providers, it will approve them through agreements; (2) technical changes were made to the definition of the EWRs and other provisions to make them clearer; (3) warehousemen will be allowed to change providers at will so long as they inform the Secretary of such change at least 60 calendar days prior to making such a change, unless otherwise indicated by the Secretary. This will allow warehousemen to change providers during the 12-month agreement cycle but will also allow the Secretary to keep track of these changes for the purposes of auditing the warehousemen as necessary; and (4) the proposed rule provision that allows warehousemen and providers to retain other data associated with the cotton not otherwise required was clarified. Under the final rule, warehousemen and providers may retain other data in addition to the USWA required warehouse receipt information, including cotton classing information, other bale numbers, etc.

Provisions in the proposed rule concerning suspension or revocation of providers were not significantly changed for the final rule. The word "revoked" was replaced with "terminated". ASCS choose to adopt the statement "for cause" in the final rule,

rather than specify individual circumstances where ASCS would unfortunately have to suspend or terminate a provider.

In the comments, a question was raised regarding how a suspension would affect the ability of a provider to accept warehouse receipts from a non-federally licensed warehouse. Neither these regulations nor the legislation authorizes the Secretary to regulate a provider's activities with State licensed warehouses. Therefore, a suspended provider is only prohibited from accepting warehouse receipts from USWA warehouses.

The suggested changes regarding the use of the term "central filing system" were not adopted. ASCS understands that this term is used to describe a vehicle for recording liens in the 1985 Food and Security Act. However, this is the term used to describe the system for retaining EWRs in the legislation that authorized this regulation. Therefore, it was determined that this term should be retained. However, ASCS has clearly defined this term in the final rule to avoid any confusion.

The suggested changes regarding the transfer of EWR records from one provider to another were not adopted. Under the final rule, the only regulation regarding the transfer of records between providers is that the new provider have an agreement with the Secretary and the Secretary be notified 60 calendar days prior to the transfer. It was determined that additional regulations were not needed and that the provisions contained in the proposed rule are not inconsistent with the final rule.

Furthermore, ASCS does not believe additional regulations are needed regarding these transfers. It will be the responsibility of the warehouseman to ensure that all applicable receipts are properly transferred.

The suggestion to increase the regulation of the agreements between users and providers was not adopted. It was determined that any additional regulation is not necessary, because a holder may request a paper warehouse receipt at any time.

Several comments were received regarding the records required by this regulation. The final rule does not include any additional recordkeeping requirements, because ASCS does not believe that any additional requirements are needed, since nearly all additional records required by this regulation are retained with the provider. Finally, ASCS received a comment regarding the application of the regulations concerning backups to EWRs. For the purposes of these regulations, any backup files will be considered equivalent to the backup files otherwise required by these regulations.

C. Providers Agreement

Eight comments were received regarding the terms of the provider agreement with the Secretary. One comment suggested that the regulation should contain more information regarding the terms of the provider agreement. This comment suggested that the final rule and the provider agreement should specify in detail the financial requirements and the system backup records that must be maintained. One comment indicates that a provider agreement should be in effect for more than one year. One comment indicated that providers should not be strictly liable to the Secretary or users for costs associated with lost or destroyed receipts. One comment suggested that in addition to being strictly liable, the provider must also be required to have the financial resources to compensate users for such losses. One comment indicated that providers should not be required to store records for a period of six years. Currently, the Secretary only requires that paper receipt records be retained for only two years. One comment suggested that the Secretary should require more financial and background information be supplied before the Secretary approves the application of a provider. One comment indicated that when a provider agreement is suspended the Secretary should make every effort to get the affected warehouses on another approved provider system. One comment suggested that the provider agreement contain a provision that all security measures must meet the requirements of the American Institute of Certified Public Accountants.

Based on a review of these comments, ASCS made the following changes to the proposed rule: (1) Providers will be only strictly liable for costs incurred by the Secretary associated with lost or improperly destroyed EWRs; (2) the final rule restructured the provisions affecting providers to more clearly identify their responsibilities; and (3) the final rule more clearly identifies the financial and insurance requirements for providers that would be available to settle claims by users against providers.

The suggestion that the provider agreement should be in effect for a period of more than one year was not adopted. ASCS could not agree that the one year agreement cycle would cause problems for providers. Currently, warehouse licenses are issued for a period of no more than one year. One year agreement cycles will ensure that ASCS has current financial and other related information regarding the providers. However, the final rule clarifies that these agreements will automatically renew, unless there is a problem.

The comment to change record retention for providers from six to two years was not adopted. Given the fact that the records in question are electronic records which can be stored easier than paper records, ASCS does not believe that a six-year retention period is too burdensome. Unlike the current paper system, providers will be storing records for more than one warehouse. Thus, ASCS believes that these records should be retained for a longer period of time.

The comment that suggested more detailed information should be required of providers before they are approved was not adopted. ASCS believes that the information requirements specified in the proposed rule will provide enough information, in most cases, for a determination to be made on a provider application. However, on a case-by-case basis, should more information be needed, it will be required.

It is agreed that in cases where a provider is suspended, the Secretary should give the affected warehousemen assistance to enable them to issue electronic receipts through another provider. However, ASCS does not believe that the proposed rule prohibited such assistance.

Finally, a comment suggested that the final rule should require that all data security systems of providers meet the requirements of American Institute of Certified Public Accountants. As explained previously, it appears that such a standard does not currently exist. Therefore, ASCS could not adopt the comment.

D. Bale Numbers

Five comments were received that suggested a system of warehouse receipt numbers and a uniform bale numbering system be merged into one number system. This would eliminate the need to retag bales as they move through the marketing process.

ASCS is not able to adopt these comments. The USWA requires that each federally licensed warehouse assign warehouse receipt numbers on a consecutive basis. The proposed universal bale numbering system is not consistent with the statute. Thus, the USWA prohibits the adoption of these comments.

E. System Access

Eight comments were received addressing system access. Five of these comments discuss unlimited free access to the Secretary. One comment opposes such access by stating that such broad access could compromise the integrity of the electronic system. The same commenter also states that the Secretary does not have similar information available to him now. Another commenter stated that the only party that should have unlimited access for audit requirements would be USDA. A third comment on this subject is that the Commodity Credit Corporation should have the right at any time to audit the system and the system provider. The fourth comment provides full support for the Secretary's right to have full access to the system for audit and control purposes. The fifth comment states that allowing the Secretary such access is extremely broad and should be more tailored.

ASCS believes that unlimited, free access to the Secretary, for audit purposes, is necessary to provide all interested parties with protection. Therefore, the final rule contains this authority for the Secretary. The three additional comments address access by other interested parties. One comment states that there is strong opposition to making electronic receipt system information available to any party on a nondiscriminatory basis. Another comment states that it so strongly opposes access to any party on a nondiscriminatory basis that it will not use any EWR system so long as such access is provided. A third comment states that only the holder, owner, or their authorized agent should have access to the system. The final rule eliminates the part of the proposed rule, § 735.104(a), that stated that providers must allow read only access, at no cost, to interested parties. The providers agreement will allow system access to warehousemen to create, amend, or cancel warehouse receipts only when they are the warehouse receipt holder; and that "read only" access can be exercised by licensed warehousemen with respect to warehouse receipts originated by that warehouseman at any time, at no cost. All other access to the central filing system will be determined between the providers and the users as they see fit.

In addition to the previously listed comments, four general comments were received. These comments indicated their support to a proposal regarding EWRs prepared by the National Cotton Council (NCC).

ASCS had difficulty addressing these comments, because ASCS received a different set of comments from NCC. In general, the NCC proposal is consistent with the current final rule, but NCC would establish more regulation over the details of the transactions among providers, users, and warehouses. As previously indicated, the intent of these regulations is not to have ASCS micro-manage the issuance and use of EWRs. These regulations assign the responsibilities among the parties and allow them to determine how to satisfy these responsibilities.

List of Subjects in 7 CFR Part 735

Administrative practice and procedure, Cotton, Reporting and recordkeeping requirements, Surety bonds, Warehouses.

Accordingly, 7 CFR part 735 is amended as follows:

PART 735—COTTON WAREHOUSES

1. The authority citation for 7 CFR part 735 is revised to read as follows:

Authority: 7 U.S.C. 268.

2. Section 735.2 is amended by adding paragraphs (bb) through (ii) to read as follows:

§ 735.2 Terms defined.

* * * * *

(bb) *Access.* The ability when authorized, to read, change, and transfer warehouse receipt information retained in the central filing system.

(cc) *Central filing system (CFS).* An electronic computer system operated and maintained by an approved provider where the information relating to warehouse receipts is recorded.

(dd) *Electronic warehouse receipt (EWR).* An electronic file in the CFS that contains at the least information required to be included in a warehouse receipt by section 18 of the Act, and § 735.16, regarding a bale of cotton and has been identified to a holder.

(ee) *Holder.* An individual or entity in possession, in fact, or by operation of law, of a receipt and by extension, of the cotton represented thereby.

(ff) *Issue.* EWRs are considered issued when a licensed warehouseman has transmitted all necessary information to an approved provider, and when such information is entered into the provider's CFS.

(gg) *Provider.* An individual or entity that maintains EWRs in a CFS, meets the requirements of this part, and has a Provider Agreement with ASCS.

(hh) *Provider Agreement.* An agreement entered into between the Secretary and a provider that delineates the provider's responsibilities and defines the relationship between the provider and ASCS regarding the provider's maintenance and security of EWRs in the CFS and other requirements of this part.

(ii) *User.* An individual or entity that uses the provider's CFS but shall not include ASCS in its regulatory capacity.

3. Section 735.16(h) is added to read as follows:

§ 735.16 Form.

* * * * *

(h) A warehouse receipt may contain additional information; Provided that such information does not interfere with the information required by this part.

§§ 735.94, 735.95, 735.96, 735.97, 735.98, 735.99 [Added and Reserved]

4. Sections 735.94 through 735.99 are added and reserved.

5. An undesignated centerheading entitled, "Electronic Warehouse Receipts" (§§ 735.100 through 735.105), is added to read as follows:

Electronic Warehouse Receipts

Sec.

735.100 General statement.
735.101 Electronic warehouse receipts.
735.102 Provider requirements and standards for applicants.
735.103 Audits.
735.104 Provider-user relationship.
735.105 Security.

Electronic Warehouse Receipts

§ 735.100 General statement.

The regulations in §§ 735.100 through 735.105 give a USWA licensed warehouseman the option of issuing EWRs instead of paper warehouse receipts for the cotton stored in its facility. EWRs may only be created through a provider who is approved by ASCS.

§ 735.101 Electronic warehouse receipts.

(a) EWRs issued pursuant to this part establish the same rights and obligations with respect to a bale of cotton as a paper receipt. With the exception of the requirement that warehouse receipts be issued on paper (§ 735.19), all other requirements applicable to paper warehouse receipts shall apply to EWRs, unless otherwise specified. The person identified as the "holder" of an EWR shall be entitled to the same rights and privileges as the holder of a paper warehouse receipt.

(b) EWRs must be issued as single bale receipts.

(c) EWRs may only be issued through a provider.

(d) Warehousemen must notify all holders of cotton receipted by inclusion in the CFS at least 30 calendar days before changing providers, unless

otherwise required or allowed by the Secretary.

(e) Licensed warehousemen may cancel EWRs only when they are the holder of such receipts.

(f) Licensed warehousemen, only as holder, may correct information on the EWR.

(g) Only the holder of the receipt may transfer the receipt to a new holder.

(h) The identity of the holder must be included as additional information for every EWR.

(i) An EWR shall only designate one entity as a holder at any one time.

(j) An EWR shall not be issued for a bale of cotton if another receipt, paper or electronic, on such bale is outstanding. No two warehouse receipts issued by a licensed warehouse may have the same receipt number.

(k) Prior to issuing EWRs, each warehouseman shall request and receive from ASCS a range of consecutive warehouse receipt numbers which the warehouseman shall use for the EWRs it issues.

(l) If a warehouseman has a contract with a provider, all warehouse receipts issued by the warehouseman shall initially be issued as EWRs.

(m) An EWR may only be issued to replace a paper receipt if the current holder of the warehouse receipt agrees.

(n) EWRs shall not be issued for defective cotton as defined in § 735.70.

(o) Licensed warehousemen must inform the Secretary of the identity of their approved provider 60 calendar days in advance of issuing warehouse receipts through that provider. The Secretary may waive or modify this 60 day requirement.

(p) Holders and licensed warehousemen may authorize any other user of a provider to act on their behalf with respect to their activities with such provider. Such authorization must be in writing, acknowledged, and retained by the provider.

(q) Provisions of § 735.18 shall be applicable to lost or destroyed EWRs.

§ 735.102 Provider requirements and standards for applicants.

(a) *Financial requirements.* All providers to be approved under this part must meet the following requirements:

(1) Have a net worth of at least $25,000, and

(2) Maintain two insurance policies; one for "errors and omissions" and another for "fraud and dishonesty". Each policy must have a minimum coverage of $2 million.

(b) *User fee charges.* Providers shall pay to ASCS user fees set by ASCS and announced annually prior to April of each calendar year.

(c) *Provider agreement.* The provider agreement shall contain, but not be limited to, the following basic elements:

(1) *Records.* The retention period for records.

(2) *Liability.* The liability of the provider.

(3) *Transfer of records.* The requirements for transferring EWRs to another provider.

(d) *Suspension and termination.* (1) The Secretary may suspend or terminate a provider's agreement for cause at any time.

(2) Hearings and appeals will be conducted in accordance with procedures that are contained in §§ 735.7 and 735.89.

(3) Without specific written authority by the Secretary, suspended or terminated providers may not accept, transfer, or execute any other function pertaining to EWRs during the pendency of any appeal or subsequent to such appeal if the appeal is denied.

(4) The provider or ASCS may terminate the provider agreement without cause solely by giving the other party written notice 60 calendar days prior to the termination.

(e) *Renewal.* Each provider agreement will be automatically renewed annually on April 30th as long as the provider complies with the terms contained in the provider agreement, the regulations in §§ 735.100 through 735.105 and the Act.

(f) *Application form.* Application for a provider agreement shall be made to the Secretary upon forms prescribed and furnished by ASCS.

§ 735.103 Audits.

(a) The provider must submit to the Secretary an annual audit level financial statement that meets the requirements of § 735.5 with the exception of §§ 735.5(d)(1), (e), (g), and (h); and an electronic data processing audit. These audits shall encompass the provider's fiscal year. The completed audits shall be submitted to the Secretary no later than four calendar months following the end of the provider's fiscal year. The electronic data processing audit shall result in an evaluation as to current computer operations, security, disaster recovery capabilities of the system, and other systems.

(b) The provider will grant the Secretary or his designees unlimited, free access at any time to all records under the provider's control relating to activities conducted under this part and as specified in the provider agreement.

§ 735.104 Provider-user relationship.

(a) The provider shall not discriminate among its users regarding use of and access to its CFS and must charge fees on an equal basis to all users for its services.

(b) The provider must furnish the Secretary with copies of its current schedule of fees for all services and charges as they become effective.

(c) Fees charged any user by the provider must be in effect for a minimum period of one year.

(d) Providers must furnish the Secretary and all users a 60 calendar day advance notice of their intent to change any fee.

§ 735.105 Security.

(a) Security must be in accordance with the standards set out in the provider agreement.

(b) Security copies of the system are to be maintained off-site. Both on-site and off-site record security must be maintained.

Signed at Washington, DC, on March 28, 1994.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 94–7691 Filed 3–30–94; 8:45 am]

BILLING CODE 3410–05–P

Agricultural Marketing Service

7 CFR Part 946

[Docket No. FV94–946–1IFR]

Irish Potatoes Grown in Washington; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 946 for the 1994–95 fiscal period. Authorization of this budget enables the State of Washington Potato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective July 1, 1994, through June 30, 1995. Comments received by May 2, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference

the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503–326–2724.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The Department is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, Washington potatoes are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes handled during the 1994–95 fiscal period, which begins July 1, 1994, and ends June 30, 1995. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 450 producers of Washington potatoes under this marketing order, and approximately 35 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of Washington potato producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the State of Washington Potato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Washington potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Washington potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met February 23, 1994, and unanimously recommended a 1994–95 budget of $38,100, the same as the previous year. The Committee also unanimously recommended an assessment rate of $0.005 per hundredweight, the same as last season. This rate, when applied to anticipated shipments of 7.5 million hundredweight, will yield $37,500 in assessment income. This, along with $600 from the Committee's authorized reserve will be adequate to cover budgeted expenses. Funds in the reserve at the beginning of the 1994–95 fiscal period, estimated at $51,953, will be within the maximum permitted by the order of two fiscal periods' expenses.

An increase in the 1994–95 budget of $700 for compliance audits, $200 for salary expense, $100 for audit expense, and $500 for postage will be offset by a decrease of $1,000 in committee expense and $500 in the miscellaneous category. Major expense items include $4,000 for Committee member compensation for meeting attendance, $4,000 for Committee member expenses for meeting attendance, $2,000 for surveillance inspection, $1,800 for office supplies, $3,000 for postage, $1,500 for miscellaneous, $1,000 for audit, $2,400 for Washington Potato Commission contract fees, $11,200 for salaries, $1,800 for salary expense, and $5,200 for compliance audits. The Commission provides certain services to the Committee as specified in a memorandum of understanding.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on July 1, 1994, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period; (3) handlers are aware of this rule which was unanimously recommended by the Committee at a

public meeting and is similar to other budget rules issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 946.246 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 946.246 Expenses and assessment rate.

Expenses of $38,100 by the State of Washington Potato Committee are authorized, and an assessment rate of $0.005 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1995. Unexpended funds may be carried over as a reserve.

Dated: March 25, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–7692 Filed 3–30–94; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 979

[Docket No. FV93–979–1FIR]

South Texas Melons; Increased Expenses and Establishment of Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an amended interim final rule that increased the level of authorized expenses and established an assessment rate that generated funds to pay those expenses. Authorization of this budget enables the South Texas Melon Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: October 1, 1993, through September 30, 1994.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, TX 78501, telephone 210–682–2833.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, South Texas melons are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable melons handled during the 1993–94 fiscal period, which began October 1, 1993, and ends September 30, 1994. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 producers of South Texas melons under this marketing order, and approximately 19 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of South Texas melon producers and handlers may be classified as small entities.

The budget of expenses for the 1993–94 fiscal period was prepared by the South Texas Melon Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of South Texas melons. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of South Texas melons. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

Committee administrative expenses of $80,000 for personnel, office, and travel expenses were recommended in a mail vote completed July 21, 1993. The assessment rate and funding for the research and promotion projects were to be recommended at a later Committee meeting. Authorization of the Committee's administrative expenses of $80,000 was published in the **Federal Register** as an interim final rule September 28, 1993 (58 FR 50510). That interim final rule added § 979.216, authorizing expenses for the Committee, and provided that interested persons could file comments through October 28, 1993. No comments were filed.

The Committee subsequently met on December 9, 1993, and unanimously recommended increases of $2,500 for personnel expenses and $125,000 for compliance activities in the recently approved 1993–94 budget. The compliance increase will provide funds to operate road guard stations surrounding the production area. The Committee also unanimously recommended $151,791 in production research. This expenditure represents an increase of $22,056 over last year's budget. No funding was recommended for the market development program, for which $44,808.42 was budgeted last year. Under this amended budget, expense items for the 1993–94 fiscal period are as follows: $37,472 for personnel, $29,028 for office expenses, $141,000 for compliance activities, and $151,791 for production research.

The interim final rule published on September 28, 1993, authorizing 1993–94 administrative expenses, did not establish an assessment rate. Therefore, the Committee also unanimously recommended an assessment rate of $0.07 per carton, $0.02 more than last year's assessment rate. This rate, when applied to anticipated shipments of 5,000,000 cartons, will yield $350,000 in assessment income, which, along with $9,291 from the reserve, will be adequate to cover budgeted expenses. Funds in the reserve as of January 31, 1994, were $326,517, which is within the maximum permitted by the order of two fiscal periods' expenses.

An amended interim final rule was published in the **Federal Register** on January 31, 1994 (59 FR 4246). That interim final rule amended § 979.216 to increase the level of authorized expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through March 2, 1994. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1993–94 fiscal period began on October 1, 1993. The marketing order requires that the rate of assessment for the fiscal period apply to all assessable melons handled during the fiscal period. In addition, handlers are aware of this rule which was recommended by the Committee at a public meeting and published in the **Federal Register** as an amended interim final rule.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Accordingly, the amended interim final rule revising § 979.216 which was published at 59 FR 4246 on January 31, 1994, is adopted as a final rule without change.

Dated: March 25, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–7694 Filed 3–30–94; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–31–AD; Amendment 39–8867; AD 94–07–09]

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes, that currently requires installation of a placard, which prescribes special procedures when operating at certain flight levels with the engine and airframe anti-ice switch ON; modification of the air brake auto-retract function; and revision of the FAA-approved Airplane Flight Manual (AFM) to include special procedures for operation in certain icing conditions. This amendment requires additional revisions to the AFM, which prescribe certain altitude and operating limitations and procedures. This amendment is prompted by reports of uncommanded engine thrust reductions (rollback) when operating in the vicinity of thunderstorms. The actions specified in this AD are intended to prevent engine power rollback during flight in icing conditions.

DATES: Effective April 15, 1994.

The incorporation by reference of certain publications as listed in the regulations is approved by the Director of the Federal Register as of April 15, 1994.

The incorporation by reference of British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992, as listed in the regulations, was approved previously by the Director of the Federal Register as of December 17, 1992 (57 FR 53548, November 12, 1992).

Comments for inclusion in the Rules Docket must be received on or before May 31, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–31–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from British Aerospace, Incorporated, Avro Division, 22070 Broderick Drive, Sterling, Virginia 20166. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: On November 3, 1992, the FAA issued AD 92–24–09, Amendment 39–8415 (57 FR 53548, November 12, 1992), which is applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes. That AD

requires installation of a placard, which prescribes special procedures when operating at certain flight levels with the engine and airframe anti-ice switch ON; modification of the air brake auto-retract function; and revision of the FAA-approved Airplane Flight Manual (AFM) to include special procedures to be observed when operating in certain icing conditions. That action was prompted by a report of spool down/rollback and subsequent shutdown of one or more engines on a Model BAe 146–200 series airplane that was in flight. The actions required by that AD are intended to prevent loss of sufficient power to sustain flight.

Since the issuance of that AD, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace Model BAe 146–100A, –200A, and –300A series airplanes. The CAA advises that it has received additional reports of uncommanded engine thrust reductions (rollbacks) when operating these airplanes in icing conditions in the vicinity of thunderstorms. Although the exact cause for these engine power rollbacks has not yet been ascertained, the FAA has determined that, based upon the best data available to date, special altitude and operating limitations must be imposed when operating these airplanes in icing conditions above 26,000 feet altitude in order to preclude the possibility of a significant engine power rollback that may result in insufficient power to sustain flight. These limitations are applicable to all Model BAe 146–100A, –200A, and –300A series airplanes, since the cause for this problem has not been isolated to any specific configuration or series of airplanes of this type design.

British Aerospace has issued Issue No. 2 of the following Temporary Revisions (TR) to the AFM, all dated February 1994. These TR's contain certain altitude and operating limitations and procedures to be followed when icing conditions exist above 26,000 feet altitude:

1. TR 30, Document No. BAe 3.3 (for Model BAe 146–100A series airplanes),
2. TR 41 and TR 42, Document No. BAe 3.6 (for Model BAe 146–200A series airplanes), and
3. TR 23, Document No. BAe 3.11 (for Model BAe 146–300A series airplanes).

The CAA has approved these AFM revisions and has issued a British airworthiness directive to mandate the described limitations and procedures.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD supersedes AD 92–24–09 to require additional revisions to the FAA-approved Airplane Flight Manual (AFM) by removing the existing Temporary Revision of the AFM required by AD 92–24–09 and replacing them with Issue No. 2 of the Temporary Revisions of the AFM described previously. This AD continues to require installation of a placard, which prescribes special procedures when operating at certain flight levels with the engine and airframe anti-ice switch ON and modification of the air brake auto-retract function.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–NM–31–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612 it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8415 (57 FR 53548, November 12, 1992), and by adding a new airworthiness directive (AD), amendment 39–8867, to read as follows:

94–07–09 British Aerospace: Amendment 39–8867. Docket 94–NM–31–AD. Supersedes AD 92–24–09, Amendment 39–8415.

Applicability: All Model BAe 146–100A, –200A, and –300A series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note 1: Paragraphs (a) and (b) of this AD merely restate the requirements of paragraphs (a) and (b) of AD 92–24–09, Amendment 39–8415. As allowed by the phrase, "unless accomplished previously," if those requirements of AD 92–24–09 have already been accomplished, this AD does not require that those actions be repeated.

To prevent engine power rollback during flight in icing conditions, accomplish the following:

(a) For airplanes listed in British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992: Within 30 days after December 17, 1992 (the effective date of AD 92–24–09, Amendment 39–8415), install a placard below the ice protection switches on the flight deck overhead panel to include additional procedures to be followed when operating at certain flight levels with the engine and airframe anti-ice switch ON, in accordance with British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992.

(b) For airplanes listed in British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992: Within 30 days after December 17, 1992 (the effective date of AD 92–24–09, Amendment 39–8415), modify the air brake auto-retract function, in accordance with British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992.

(c) Within 70 hours time-in-service after the effective date of this AD, amend the FAA-approved AFM as required by paragraphs (c)(1) and (c)(2) of this AD:

(1) For airplanes listed in British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992: Remove the following Temporary Revisions (TR) from the Limitations Section and Normal/Abnormal Procedures Section, as applicable:

(i) For British Aerospace Model BAe 146–100A series airplanes: TR 22 (Document No. BAe 3.3), dated April 1992.

(ii) For British Aerospace Model BAe 146–200A series airplanes: TR 28 (Document No. BAe 3.6), dated April 1992; or TR 33 (Document No. BAe 3.6), dated April 1992; as applicable.

(iii) For British Aerospace Model BAe 146–300A series airplanes: TR 12 (Document No. BAe 3.11), dated March 1992.

(2) For all airplanes: Insert the following TR's into the Limitations Section and the Normal/Abnormal Procedures/Handling Section, as applicable:

Note 2: When the following Temporary Revisions have been incorporated into an AFM General Revision, the applicable AFM General Revision may be inserted into the corresponding FAA-approved AFM, provided the information contained in the AFM General Revision corresponds identically to that specified in TR 30, TR 41, TR 42, or TR 23.

(i) For British Aerospace Model BAe 146–100A series airplanes: TR 30, Issue No. 2, dated February 1994.

(ii) For British Aerospace Model BAe 146–200A series airplanes: TR 41, Issue No. 2, dated February 1994; or TR 42, Issue No. 2, dated February 1994; as applicable.

(iii) For British Aerospace Model BAe 146–300A series airplanes: TR 23, Issue No. 2, dated February 1994.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with Federal Aviation Regulations (FAR) 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The revision of the AFM shall be done in accordance with Temporary Revision No. 30 (Document No. BAe 3.3), Issue No. 2, dated February 1994; Temporary Revision No. 41 (Document No. BAe 3.6), Issue No. 2, dated February 1994; Temporary Revision No. 42 (Document No. BAe 3.6), Issue No. 2, dated February 1994; and Temporary Revision No. 23 (Document No. BAe 3.11), Issue No. 2, dated February 1994 ; as applicable. The incorporation by reference of these documents is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The installation of the placard and modification shall be in accordance with British Aerospace Service Bulletin SB.11–97–01285A, Revision 1, dated April 3, 1992. This incorporation by reference was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of December 17, 1992 (57 FR 53548, November 12, 1992). Copies may be obtained from British Aerospace, Incorporated, Avro Division, 22070 Broderick Drive, Sterling, Virginia 20166. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on April 15, 1994.

Issued in Renton, Washington, on March 24, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–7491 Filed 3–30–94; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 95

[Docket No. 27656; Amdt. No. 382]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: 0901 UTC, April 28, 1994.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone: (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create

the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

It, therefore—(1) is not a "significant regulation action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Issued in Washington, DC on March 22, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, April 28, 1994:

1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354, and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended to read as follows:

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS

[Amendment 382 Effective Date, April 28, 1994]

From	To	MEA
§ 95.6013 VOR Federal Airway 13 is Amended To Read in Part		
Mason City, IA VORTAC	Farmington, MN VORTAC	3000
§ 95.6025 VOR Federal Airway 25 is Amended To Read in Part		
Klamath Falls, OR VORTAC *9300—MOCA	Sprag, OR FIX	*12000
Sprag, OR FIX *9300—MOCA	Octad, OR FIX	*12000
Octad, OR FIX *6600—MOCA	Deschutes, OR VORTAC S BNDN BND	*12000
		*7000
§ 95.6068 VOR Federal Airway 68 is Amended To Read in Part		
Corona, NM VORTAC	Honds, NM FIX	9000
Honds, NM FIX	Chisum, NM VORTAC NW BND	9000
	SE BND	6500
§ 95.6071 VOR Federal Airway 71 is Amended To Read in Part		
Wrack, LA FIX *2500—MRA	*Wilin, MS FIX	2200
§ 95.6083 VOR Federal Airway 83 is Amended To Read in Part		
Chisum, NM VORTAC	Honds, NM FIX NW BND	9000
	SE BND	6500
Honds, NM FIX	Corona, NM VORTAC	9000
§ 95.6093 VOR Federal Airway 93 is Amended To Read in Part		
Kennebunk, ME VORTAC	*BRNNS, ME FIX *3000—MRA 1900—MOCA	**3000
BRNNS, ME FIX *1600—MOCA	RAZZR, ME FIX	*3000
§ 95.6291 VOR Federal Airway 291 is Amended To Read in Part		
Chisum, NM VORTAC	Dupal, NM FIX NW BND	9000
	SE BND	6000
Dupal, NM FIX	Corona, NM VORTAC	9000
§ 95.6407 VOR Federal Airway 407 is Amended To Read in Part		
Palacios, TX VORTAC *1600—MOCA	Gland, TX FIX	*4000
Gland, TX FIX *1900—MOCA	Humble, TX VORTAC	*2500
§ 95.6451 VOR Federal Airway 451 is Amended To Delete		
Seedy, NH FIX	Brunswick (Navy), ME VORTAC	7500
§ 95.6491 VOR Federal Airway 491 is Amended To Read in Part		
Rapid City, SD VORTAC *5500—MOCA	Dickinson, ND VORTAC	*7000

From	To	MEA	MAA
§ 95.7029 Jet Route No. 29 is Amended To Read in Part			
Bangor, ME VORTAC	U.S. Canadian Border	18000	45000
§ 95.7142 Jet Route No. 142 is Amended To Delete			
San Simon, AZ VORTAC	Socorro, NM VORTAC	20000	45000
Socorro, NM VORTAC	Anton Chico, NM VORTAC	18000	45000

§ 95.8003 VOR Federal Airways Changeover Points

Airway segment		Changeover points	
From	To	Distance	From
V–8 is Amended by Adding			
Grand Junction, CO VORTAC	Rifle, CO VOR/DME	37	Grand Junction.
Rifle, CO VOR/DME	Kremmling, CO VORTAC	20	Rifle.
V–95 is Amended To Read In Part			
Blue Mesa, CO VOR/DME # use the Hugo (HGO) VORTAC from the COP to the Gorje Int.	Falcon, CO VORTAC	#77	Blue Mesa.
V–491 is Amended by Adding			
Rapid City, SD VORTAC	Dickinson, ND VORTAC	80	Rapid City.

[FR Doc. 94–7657 Filed 3–30–94; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24

[T.D. 94–32]

Ad Valorem User Fee for Imported Merchandise; Conforming Amendment

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document conforms the Customs Regulations to the current merchandise processing fee rate of 0.19 percent ad valorem applicable to formal entries and releases of imported merchandise occurring on or after October 1, 1992.

EFFECTIVE DATE: March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Linda Walfish, User Fee Task Force, (202–927–1167).

SUPPLEMENTARY INFORMATION:

Background

By a document published in the **Federal Register** as T.D. 92–89 on September 16, 1992 (57 FR 42697), in accordance with the requirements of § 8101 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–509, codified as 19 U.S.C. 58c), Customs gave notice that the merchandise processing fee rate on formal entries and releases of imported merchandise was adjusted at 0.19 percent ad valorem.

The notice indicated, among other things, that the adjusted merchandise processing fee rate of 0.19 percent ad valorem was applicable to formal entries and releases of imported merchandise occurring on or after October 1, 1992, and that this fee rate would remain in effect unless otherwise adjusted pursuant to 19 U.S.C. 58c(a)(9)(B).

Accordingly, Customs is hereby making a routine, conforming amendment to § 24.23(b)(1)(i)(A) of its regulations (19 CFR 24.23(b)(1)(i)(A)), in order to reflect this previous change in the merchandise processing fee rate.

Inapplicability of Public Notice and Comment and Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12866

Inasmuch as this amendment merely conforms the Customs Regulations to existing law and practice as noted above, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary, and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Nor does the amendment meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

Drafting Information

The principal author of this document was Russell Berger, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 24

Accounting, Canada, Customs duties and inspection, Financial and accounting procedures, Reporting and recordkeeping requirements, Trade agreements, User fees.

Amendment to the Regulations

Part 24, Customs Regulations (19 CFR part 24), is amended as set forth below.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The general authority for part 24 and the specific sectional authority for § 24.23 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 261, 267, 1202 (General Note 17, Harmonized Tariff Schedule of the United States (HTSUS)), 1450, 1624; 31 U.S.C. 9701, unless otherwise noted.

* * * * *

Section 24.23 also issued under Pub. L. 99–272, Pub. L. 99–509;

* * * * *

§ 24.23 [Amended]

2. In § 24.23, the first sentence of paragraph (b)(1)(i)(A) is amended by removing "0.17" where appearing therein, and adding in its place, "0.19".

Dated: March 28, 1994.

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 94–7739 Filed 3–28–94; 8:45 am]
BILLING CODE 4820–02–P

19 CFR Part 181

[T.D. 94–1]

RIN 1515–AB33

North American Free Trade Agreement; Corrections

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Interim regulations; corrections.

SUMMARY: This document makes corrections to the document published in the Federal Register which set forth interim amendments to the Customs Regulations to implement the preferential tariff treatment and other Customs-related provisions of the North American Free Trade Agreement and the North American Free Trade Agreement Implementation Act.

EFFECTIVE DATE: These corrections are effective January 1, 1994.

FOR FURTHER INFORMATION CONTACT: John Valentine, Office of Regulations and Rulings (202–482–7000).

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1993, Customs published in the Federal Register (58 FR 69460) T.D. 94–1 to set forth interim amendments to the Customs Regulations to implement the preferential tariff treatment and other Customs-related provisions of the North American Free Trade Agreement (NAFTA) which was adopted by the United States through the enactment of the North American Free Trade Agreement Implementation Act, Public Law 103–182, 107 Stat. 2057. Those interim regulatory amendments took effect on January 1, 1994, to coincide with the effective date of the NAFTA.

The majority of the NAFTA regulations were set forth in T.D. 94–1 as a new part 181 which included, as an appendix thereto, substantively verbatim, trilaterally negotiated texts implementing the rules of origin provisions of Chapter Four of the NAFTA. This document makes some corrections to the appendix to part 181 as published in T.D. 94–1. These corrections involve (1) textual changes to properly reflect the trilaterally agreed texts and (2) formatting changes resulting from manuscript or typesetting errors.

Corrections of Publication

The document published in the Federal Register as T.D. 94–1 on December 30, 1993 (58 FR 69460) is corrected in the appendix to part 181 as set forth below.

1. On page 69497, in the definition of "customs value", paragraph (c) is corrected by adding the words "as amended," before the word "converted" in the second line.

2. On page 69498, in the definition of "heavy-duty vehicle", at the end of the first line, the figure "8702.10.30" is corrected to read "8702.90.30".

3. On page 69501, under section 2, the words "**References to domestic laws**" are added as a centered heading before subsection (5).

4. On page 69503, under section 5, subsection (1), the words "provided that", which appear as the third line of paragraph (b), should be flush with the left margin of subsection (1).

5. On page 69507, under section 6, the last three lines under subsection (7), which begin with the words "the exporter or producer may choose", should be flush with the left margin of subsection (7).

6. On page 69509, under section 6, subsection (20), in the list of figures within Example 4, the sign "$" is added before the figure "12.00" opposite "Total excluded costs".

7. On page 69511, under section 7, subsection (1), the line beginning with the words "and shall include", which appears as the last line of paragraph (b), should be flush with the left margin of subsection (1).

8. On page 69512, under section 7, the heading to subsection (2) is corrected by removing the word "use" and adding, in its place, the words "require valuation under".

9. At the top of page 69513, under section 7, the heading to subsection (11) is corrected by removing the words "deemed to be originating" and adding, in their place, the words "origin disregarded".

10. On page 69514, under section 7, subsection (17), Example 2, Situation 1 is corrected by removing the double line under the figure "$23.00" opposite "Total cost of Good B" and adding a minus sign ("−") before the figure "0.20" in the next line opposite "Excluded costs: (included in period costs)".

11. On page 69515, under section 7, subsection (17), Example 2, the third group of figures under Situation 2 is corrected by adding a minus sign ("−") before the figure "0.40" in the column headed "Total".

12. On page 69516, under section 7, subsection 17:

a. The table at the top of the page is corrected by adding a minus sign ("−") before the figure "0.20" in the column headed "Total"; and

b. The first paragraph of Example 4 is corrected by removing the reference "Material A" in the second line and adding, in its place, the reference "Material X".

13. On page 69518, under section 9, subsection (2), the last two lines under subparagraph (c)(ii), which begin with the words "the sum of the customs value", should be flush with the left margin of paragraph (c).

14. On page 69519, under section 9, subsection (2):

a. At the top of the page, the last two lines under subparagraph (d)(ii), which begin with the words "the sum of", should be flush with the left margin of paragraph (d);

b. The last two lines under subparagraph (e)(ii), which begin with the words "the value of the traced material", should be flush with the left margin of paragraph (e);

c. The third line under subparagraph (f)(ii), which reads "an amount equal to VM × (1−RVCR)", should be flush with the left margin of paragraph f);

d. In paragraph (g), the paragraph designation and the first two lines of the paragraph, and the last two lines under subparagraph (g)(ii) which begin with the words "if the producer of the good", should be flush with the left margin of paragraphs (a) through (f); and

e. Paragraph (h) should be flush with the left margin of paragraphs (a) through (g).

15. Also on page 69519, under section 9:

a. The heading to subsection (3) is corrected by removing the word "use" and adding, in its place, the words "require valuation under";

b. The heading to subsection (4) is corrected by adding the word "customs" before the word "value" appearing at the end of the heading; and

c. In subsection (5), the text under paragraph (b) beginning with the words "and, where" in the third line should be flush with the left margin of subsection (5).

16. On page 69520, under section 9, subsection (9), the word "and" is removed at the end of paragraph (d), the period at the end of paragraph (e) is replaced by a semicolon followed by the word "and", and a new paragraph (f) is added to read as follows:

(f) any information set out in a statement referred to in subsection (2) that concerns the value of materials or costs shall be in the same currency as the currency of the country in which the person who provided the statement is located.

17. On page 69523, under section 10, subsection (1), paragraph (d):

a. The last four lines of subparagraph (i)(D), which begin with the words "if

the producer has", should be flush with the left margin of subparagraph (i); and

b. In the third line of subparagraph (ii), the word "where" should be flush with the left margin of subparagraph (ii).

18. On page 69524, under section 10:

a. In subsection (1), paragraph (d), subparagraph (ii), the first four lines at the top of the page should be flush with the left margin of subparagraph (ii); and

b. In subsection (4), the last two lines, which begin with the words "the value of the", should be flush with the left margin of subsection (4).

19. At the top of page 69525 under section 10, the words "VNM may be redetermined for certain acquired materials" are added as a centered heading before subsection (6).

20. Also on page 69525, under section 10, subsection (9), the word "and" is removed at the end of paragraph (c), the period at the end of paragraph (d) is replaced by a semicolon followed by the word "and", and a new paragraph (e) is added to read as follows:

(e) any information set out in a statement referred to in subsection (2) that concerns the value of materials or costs shall be in the same currency as the currency of the country in which the person who provided the statement is located.

21. On page 69529, under section 11:

a. In subsection (6), in the second line the reference to "Schedule V.1" is corrected to read "Schedule VI";

b. In subsection (7), in the first line the reference to "Schedule V.1" is corrected to read "Schedule VI"; and

c. The words "Averaged net cost and VNM included in calculation of RVC on the basis of producer's option to include all vehicles of category or only certain exported vehicles of category" are added as a centered heading before subsection (9).

22. On page 69530, under section 12:

a. In subsection (1), in the third line the word "elects" is corrected to read "chooses";

b. In subsection (3), the last two lines, which begin with the words "shall be the sum of", should be flush with the left margin of subsection (3); and

c. In the heading to subsection (6), the reference "VNM" is added after the word "averaging".

23. On page 69531, under section 13:

a. In the heading to subsection (2), the word "retrofit" is corrected to read "refit"; and

b. In subsection (4), in the third line the words "an election" are corrected to read "a choice".

24. On page 69533, under section 14, subsection (4), the word "and" is removed at the end of paragraph (a)(ii), the period at the end of paragraph (b) is replaced by a semicolon followed by the word "and", and a new paragraph (c) is added to read as follows:

(c) any information set out in a statement referred to in subsection (2) that concerns the value of materials or costs shall be in the same currency as the currency of the country in which the person who provided the statement is located.

25. On page 69537, under Schedule I, the following words are added before the period at the end of the sentence: "as implemented in General Note 12 of the HTSUS".

26. On page 69538, under Schedule II, section 4:

a. In subsection (6), paragraph (h), in the second line the word "material" is corrected to read "good"; and

b. In subsection (12), in the sixth and eighth lines the word "mould" in each case is corrected to read "mold".

27. On page 69542, under Schedule VI, section 2, in the third line the word "elect" is corrected to read "choose".

28. On page 69543, under Schedule VI, section 5, subsection (1), paragraph (b), in the first line the reference to "section 2.1" is corrected to read "section 3".

29. On page 69550, under Schedule VIII, section 5, subsection (6), paragraph (d), the text beginning with the words "and shall in-" in the second line and continuing to the end of the paragraph should start on a separate line flush with the left margin of subsection (6).

30. At the top of page 69551, under Schedule VIII, section 5, subsection (12), in the sixth and eighth lines the word "mould" in each case is corrected to read "mold".

31. Also on page 69551, under Schedule VIII:

a. In section 6, subsection (1), in the second line the reference to "Part III" is corrected to read "Part IV";

b. In section 7, subsection (1), in the third line the reference to "Part III" is corrected to read "Part IV"; and

c. In section 8, in the third line the reference to "Part III" is corrected to read "Part IV".

32. On page 69552, under Schedule VIII:

a. In section 9, subsection (1), in the third line the reference to "Part III" is corrected to read "Part IV"; and

b. In section 10, subsection (1), in the second line the reference to "Part III" is corrected to read "Part IV".

33. On page 69553, under Schedule VIII:

a. In section 10, subsection (3), in the last line the reference to "Schedule VI" is corrected to read "Schedule XII"; and

b. In section 11, subsection (1), in the third line the reference to "Part III" is corrected to read "Part IV".

34. On page 69557, under Schedule X, in subsection (1) under each of sections 6, 7 and 8, the word "by", which occupies the line between paragraphs (a) and (b), should be flush with the left margin of subsection (1).

35. On page 69558, under Schedule X, section 14, subsection (1), the word "by", which occupies the line between paragraphs (a) and (b), should be flush with the left margin of subsection (1).

36. On page 69563, under Schedule XI, Addendum, first example, the texts of footnotes 1 through 5 should be moved to the end of the example.

Dated: March 24, 1994.

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 94–7394 Filed 3–30–94; 8:45 am]

BILLING CODE 4820–02–P

RAILROAD RETIREMENT BOARD

20 CFR Part 200

[RIN 3220–AB02]

Assessment or Waiver of Interest, Penalties, and Administrative Costs With Respect To Collection of Certain Debts

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) amends its regulations to clarify when interest and penalties begin to accrue on an amount owed to the Board under the Railroad Unemployment Insurance Act (RUIA).

EFFECTIVE DATE: March 31, 1994.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 (312) 751–4513; TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 200.7(b)(2) of the Board's regulations provides that:

> Interest shall accrue from the date on which notice of the debt and demand for repayment with interest is first mailed or hand-delivered to the debtor, or in the case of a debt which is subject to section 10(c) of the Railroad Retirement Act or section 2(d) of the Railroad Unemployment Insurance Act, interest shall accrue from the date that a denial of waiver of recovery is mailed or hand-delivered to the debtor or, if waiver has not been requested, upon the expiration of the time within which to request waiver, except as otherwise specified in this section.

Section 200.7(c) of the regulations provides that:

(1) A penalty charge of 6 percent per year shall be assessed on any debt that is delinquent for more than 90 days.

(2) The penalty charge shall accrue from the date on which the debt became delinquent.

(3) A debt is delinquent if it has not been paid in full by the 30th day after the date on which the initial demand letter was first mailed or hand-delivered, or, if the debt is being repaid under an installment payment agreement, at any time after the debtor fails to satisfy his or her obligation for payment thereunder.

Section 12(o) of the Railroad Unemployment Insurance Act provides that benefits payable to an employee with respect to days of sickness shall be payable regardless of the liability of any person to pay damages for such infirmity. The Board shall be entitled to reimbursement from any sum or damages paid or payable to such employee or other person through suit, compromise, settlement, judgment, or otherwise on account of any liability (other than a liability under health, sickness, accident, or similar insurance policy) based upon such infirmity, to the extent that it will have paid or will pay benefits for days of sickness resulting from such infirmity. Upon notice to the person against whom such right or claim exists or is asserted, the Board shall have a lien upon such right or claim, any judgment obtained thereunder, and any sum or damages paid under such right or claim, to the extent of the amount to which the Board is entitled by way of reimbursement.

Section 341.6 of the Board's regulations provides that a person or company subject to the lien must notify the agency within five days of a settlement or judgment and must pay the agency the amount withheld to satisfy the lien within 30 days. In the case where a lien arises in favor of the Board as a result of a settlement or judgment but the Board is not notified of the settlement or judgment in a timely manner, the employer or third party who has been served with a Notice of Lien and notice of the amount of that lien already has notice of the existence and amount of the debt. Accordingly, interest should accrue from the date of settlement or judgment, but would be waived if paid within 30 days in accordance with § 200.7(g)(l) of the Board's regulations.

Likewise, a section 12(o) debt should be considered delinquent if the lien is not satisfied within 30 days after settlement or entry of judgment.

Consequently, the Board amends § 200.7 of its regulations to provide for the accrual of interest on section 12(o) debts and for the accrual of penalties on such debts when they become delinquent.

On January 14, 1994, the Board published this rule as a proposed rule (59 FR 2318), inviting comments on or before February 14, 1994. No comments were received.

The Board, with the concurrence of the Office of Management and Budget, 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 200

Railroad employees, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II, part 200 of the Code of Federal Regulations is amended as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; section 200.4 also issued under 5 U.S.C. 552; section 200.5 also issued under 5 U.S.C. 552(a); section 200.6 also issued under 5 U.S.C. 552b; and section 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.7 is amended by redesignating paragraphs (b)(3) and (b)(4) as paragraphs (b)(4) and (b)(5), respectively, and adding a new paragraph (b)(3) to read as follows:

§ 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.

* * * * *

(b) * * *

(3) In the case of a lien for reimbursement of sickness benefits pursuant to part 341 of this chapter, interest on the amount of the lien shall accrue from the date of settlement or the entry of final judgment.

* * * * *

3. Section 200.7 is amended by adding a new paragraph (c)(4) to read as follows:

§ 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.

* * * * *

(c) * * *

(4) In the case of a lien for reimbursement of sickness benefits pursuant to part 341 of this chapter, the amount of the lien is delinquent if it has not been paid in full by the 30th day after the date of settlement or entry of final judgment.

* * * * *

Dated: March 24, 1994.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 94–7666 Filed 3–30–94; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 5, 101, 105, and 130

[Docket No. 94N–0103]

RIN 0905–AD08 and 0905–AB68

Food Labeling; Date of Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is clarifying matters regarding the interpretation of the "date of applicability" for the regulations governing mandatory nutrition labeling of food products. The agency reaffirms that a product labeled after May 8, 1994, that does not comply with the mandatory nutrition labeling and nutrient content claims provisions of the Federal Food, Drug, and Cosmetic Act (the act), which were added by the Nutrition Labeling and Education Act of 1990 (the 1990 amendments), is misbranded. Also, the agency states that no further extension to the date of applicability is possible under the act.

DATES: FDA will apply section 403(q) and 403(r)(2) of the act (21 U.S.C. 343(q) and 343(r)(2)) and the regulations that implement this section of the act (21 CFR 101.9 implements section 403(q) except 403(q)(4) of the act; 21 CFR 101.13, subpart D of 21 CFR part 101, and 21 CFR 130.10 implement section 403(r)(2) of the act) on May 8, 1994, for all products labeled on or after that date.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Center for Food Safety and Nutrition (HFS–150), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4561.

SUPPLEMENTARY INFORMATION: FDA is announcing that May 8, 1994, is the date of application for the regulations governing the mandatory status of nutrition labeling and nutrient content claims. In the **Federal Register** of August 18, 1993 (58 FR 44033), the agency stated that, "* * * the date, May

8, 1994, * * * will apply to all food products labeled on or after May 8, 1994, rather than to all food products initially introduced into interstate commerce on or after that date." The Nutrition Labeling and Education Act of 1990 (the 1990 amendments), the amendments to the act that provided the explicit authority for these regulations, does not permit the agency to establish a later date of application. In fact, the May 8, 1994, date already represents agency exercise of the maximum flexibility provided to it by Congress in the 1990 amendments. Without an explicit FDA finding that undue economic hardships would result, the date of application of the regulations would have been May 8, 1993 (58 FR 2070). Therefore, nonexempt products labeled on or after May 8, 1994, and not bearing required nutrition labeling will be out of compliance with the act.

Recently, two issues have been brought to the agency's attention:

1. In the **Federal Register** of August 18, 1993 (58 FR 44033 at 44035), the agency stated "The term 'labeled' means the date that the label is affixed to the product or product container." It has been reported that there are some in the food industry who are interpreting this sentence as permitting the manufacture of food product containers bearing labels in conformance with existing regulations and then warehousing the finished containers to be filled with food products after the May 8, 1994, date of application. Under this scenario, a manufacturer could stockpile huge quantities of empty containers and avoid changing labels for weeks or even months.

This view is a complete misreading of the August 18, 1993, document. FDA included the term "or product container" in the sentence in question to ensure that the sentence covered situations in which food is labeled by affixing a label to the container in which it is enclosed, as well as those in which the label is affixed to the food. The sentence was not included to provide a means of avoiding the May 8, 1994, applicability date.

The agency expects that all products coming off a manufacturer's production line on May 8, 1994, after 12:01 a.m. will bear the required nutrition labeling, whether the food is directly labeled or put into containers. FDA inspectors will be instructed to examine the product as it leaves the production line. Any manufacturer who is filling improperly labeled containers will not be in compliance with the act.

2. Recently, the agency has received a number of requests from a variety of manufacturers asking for extensions of time to comply with, or even for exemptions from, the nutrition labeling regulations. Many of these requests cite potentially significant monetary losses because large quantities of label inventory must be destroyed. Others state that they will be unable to comply with the regulations because they have been unable to obtain necessary nutrient values, or because printing facilities have become saturated.

As stated previously in the document, FDA has no authority to grant exemptions from nutrition labeling beyond those in the act and provided for in the agency's regulations. Also, FDA cannot further delay the date of applicability beyond May 8, 1994, regardless of the economic hardships on the specific manufacturer. The agency further points out that the labeling in question is required nutrition information that both Congress and FDA consider important to the public health. The food industry has known since November 8, 1990, that such labeling would be required and, thus, has had over 3 years to plan for this transition. Additionally, even if FDA were able to grant extensions, the agency would question the fairness to the large segment of the food industry that has already invested the time and expense of converting its food labels in order to meet the May 8, 1994, date of applicability.

FDA recognizes that there may be a very small number of firms that will be unable to come into compliance despite all good faith efforts to do so. While FDA is not unwilling to consider the extraordinary circumstances presented by these few firms, the agency advises generally that a nonexempt product failing to bear nutrition labeling or bearing nutrition information inconsistent with the regulations of January 6, 1993, as modified on August 18, 1993, will be out of compliance if labeled on or after May 8, 1994.

FDA has received reports of firms that have a significant supply of containers or labels that will not be used up by the May 8, 1994, applicability date. The agency points out that such firms need not dispose of such containers or labels but can use them if they can be brought into compliance through the use of stickers that comply with the new regulations placed on the noncomplying container or label. In no case, however, can FDA grant an exemption in these circumstances.

Thus, FDA will not be issuing letters of exemption or extensions to the mandatory nutrition labeling regulations beyond those confirming exemptions or extensions formally recognized under the act or provided for under 21 CFR 101.9(g)(9) because compliance is technologically infeasible or impracticable.

The agency reaffirms that a product labeled after May 8, 1994, that does not comply with section 403(q) and 403(r)(2) of the the act is misbranded. Also, the agency states that no further extension to the date of applicability is possible under the act.

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7632 Filed 3–28–94; 1:49 pm]

BILLING CODE 4160–01–F

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21 CFR Parts 20 and 101

[Docket No. 85N–061D]

RIN 0905–AB67

Food Labeling; General Requirements for Health Claims for Dietary Supplements; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of January 4, 1994 (59 FR 395). The document amended the food labeling regulations to provide for health claims for dietary supplements. The document was published with an editorial error. This document corrects that error.

EFFECTIVE DATE: July 1, 1994.

FOR FURTHER INFORMATION CONTACT: James R. Taylor, Jr., Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

In FR Doc. 93–31815, appearing on page 395 in the **Federal Register** of Tuesday, January 4, 1994, the following corrections are made:

On page 395, in the first column, in the "**EFFECTIVE DATE**" caption, the "July 5, 1994" is corrected to read "July 1, 1994".

§ 101.14 [Corrected]

2. On page 425, in the third column, in § 101.14 *Health claims: general requirements* in paragraph (e)(6), in line 1, the phrase "Except for dietary supplements," is corrected to read "Except for dietary supplements or where provided for in other regulations in part 101, subpart E,".

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7626 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 101

[Docket No. 91N–384D]

RIN 0905–AD96

Food Labeling; Requirements for Nutrient Content Claims for Dietary Supplements of Vitamins, Minerals, Herbs, and Other Similar Nutritional Substances; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of January 4, 1994 (59 FR 378). The document amended the food labeling regulations to provide for nutrient content claims for dietary supplements of vitamins, minerals, herbs, and other similar nutritional substances. The document was published with some errors. This document corrects those errors.

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Camille E. Brewer, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5483.

In FR Doc. 93–31814, appearing on page 378 in the **Federal Register** of Tuesday, January 4, 1994, the following corrections are made:

1. On page 378, in the third column, in line 4 of the title of the document, the word "Nutritionnal" is corrected to read "Nutritional".

2. On page 382, in the second column, in the second full paragraph, in line 14, the parenthetical phrase "(except as limited by section 411(b)(2)(B) of the act)" is added after the words "for sugar".

3. On page 385, in the third column, in line 10, the word "provides" is corrected to read "provide".

4. On page 386, in the third column, in the second full paragraph, in line 9, the phrase "comment 25" is corrected to read "comments 25 and 26".

§ 101.13 [Corrected]

5. On page 394, in the first column, in § 101.13 **NUTRIENT CONTENT CLAIMS—GENERAL PRINCIPLES** in paragraph (j)(1)(i)(B), in the last line, " and" is added after the word "multivitamin)".

§ 101.54 [Corrected]

6. On page 394, in the first column, in § 101.54 *Nutrient content claims for "good source," "high," and "more"* in paragraph (b)(1), in line 3, the word "and" is corrected to read "or".

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7628 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 130 and 155

Food Standards; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations for canned vegetable products by correcting certain inadvertent errors; and its regulations for temporary marketing permits by correcting a mailing address used for filing such applications. This action is being taken to improve the accuracy of the regulations. These actions are editorial in nature and do not change the substance of any of the regulations in question.

EFFECTIVE DATE: March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Nannie H. Rainey, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

SUPPLEMENTARY INFORMATION: FDA has discovered that certain inadvertent errors have been incorporated into the agency's codified regulations pertaining to temporary marketing permits and to canned tomatoes and certain other canned vegetables. Because these errors are nonsubstantive, FDA finds that there is good cause to correct them without engaging in rulemaking. Given the nature of the errors, notice and public procedure are unnecessary under the Administrative Procedure Act (5 U.S.C. 553). This final rule addresses the following errors in the regulations:

1. In § 130.17(c) (21 CFR 130.17(c)), the agency is correcting the office name and address for the place where temporary marketing permit applications should be filed. As a result of the 1992 reorganization of the Center for Food Safety and Applied Nutrition, the correct name and address is the Food Standards Branch, Office of Food Labeling, Center for Food Safety and Applied Nutrition (HFS–158), 200 C St. SW., Washington, DC 20204. Accordingly, FDA is correcting § 130.17(c).

2. In § 155.190(a)(3)(iv) (21 CFR 155.190(a)(3)(iv)), the reference to "§§ 155.191 and 155.192," should be changed to "§ 155.191." Section 155.192 was removed in the **Federal Register** of January 28, 1983 (48 FR 3946 at 3956) and the effective date confirmed in the **Federal Register** of March 31, 1993 (58 FR 16771).

3. In 21 CFR 155.200(g), the reference to "§ 101.122" is incorrect. The correct reference is "§ 101.22".

List of Subjects

21 CFR Part 130

Food additives, Food grades and standards.

21 CFR Part 155

Food grades and standards, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 130 and 155 are amended as follows:

PART 130—FOOD STANDARDS: GENERAL

1. The authority citation for 21 CFR part 130 continues to read as follows:

Authority: Secs. 201, 306, 401, 403, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 336, 341, 343, 371).

2. Section 130.17 *Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity* is amended in the introductory text of paragraph (c) by removing the words "Deputy Director, Division of Food Chemistry and Technology, Center for Food Safety and Applied Nutrition (HFF–410), Food and Drug Administration" and adding in its place "Chief, Food Standards Branch, Office of Food Labeling, Center for Food Safety and Applied Nutrition (HFS–158)".

PART 155—CANNED VEGETABLES

3. The authority citation for 21 CFR part 155 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U S.C. 321, 341, 343, 348, 371, 379e).

§ 155.190 [Amended]

4. Section 155.190 *Canned tomatoes* is amended in paragraph (a)(3)(iv) by removing the phrase "§§ 151.191 and 155.192" and adding in its place "§ 155.191".

§ 155.200 [Amended]

5. Section 155.200 *Certain other canned vegetables* is amended in the first sentence of paragraph (g), by removing "§ 101.122" and adding in its place "§ 101.22".

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7627 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 821

[Docket No. 91N–0296]

Medical Devices; Illustrative and Designated Lists for Device Tracking; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule and request for comments; correction

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of August 16, 1993 (58 FR 43451), which amended the medical device tracking regulations to add the temporo-mandibular joint prostheses to the illustrative list of devices and the penile inflatable implant to the list of devices designated for tracking. The document was published with a typographical error. This document corrects that error.

EFFECTIVE DATE: August 29, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–4765.

In FR Doc. 93–19470, appearing on page 43451, in the **Federal Register** of Monday, August 16, 1993, the following correction is made:

§ 821.20 [Amended]

On page 43455, in the 3d column, in amendatory instruction 2b. for § 821.20, in line 5, "878.5725" is corrected to read "880.5725".

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7629 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Interim rule and request for comments.

SUMMARY: This interim rule amends the list of exempt chemical preparations set Forth in section 1308.24(i) of Title 21 of the Code of Federal Regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of new applications for exemptions filed with DEA. Preparations included in the list are exempted from the application of specific provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration Regulations.

DATES: Effective Date: March 31, 1994. Comments must be submitted on or before May 2, 1994.

ADDRESSES: Comments and objections should be submitted to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537; Attention: Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., (Chief, Drug & Chemical Evaluation Section), 202–307–7183.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act as amended by the Dangerous Drug Diversion Control Act of 1984 authorizes the Attorney General in accordance with 21 U.S.C. 811(g)(3)(B) to exempt from specific provisions of the Act, a compound, mixture, or preparation which contains any controlled substance, which is not for administration to a human being or animal and which is packaged in such form or concentration, or with adulterants or denaturants, so that, as packaged, it does not present any significant potential for abuse. This authority ultimately has been delegated to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

The Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, has received applications pursuant to § 1308.23 of title 21 of the Code of Federal Regulations requesting approval of exempt status provided for in 21 CFR 1308.24. The Deputy Assistant Administrator hereby finds that each of the following preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Deputy Assistant Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of the researchers, chemical analysts, and suppliers of these products.

The listing of products in 21 CFR 1308.24(i) exempts persons who handle them from certain sections of the Controlled Substances Act of 1970 and its regulations. The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that these matters will have no significant impact upon small businesses or other entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Accordingly, the Deputy Assistant Administrator certifies this action will have no impact on the ability of small businesses to compete and he therefore determines that no regulatory flexibility analysis is required.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to require the preparation of a Federalism Assessment.

The Office of Management and Budget (OMB) has determined that listings of exempt chemical preparations are exempt from centralized review under Executive Order 12866.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 202(d) of

the Act (21 U.S.C. 811(g)(3)(B)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR 0.100), and redelegated to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, the Deputy Assistant Administrator hereby amends 21 CFR part 1308 as set forth below.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

2. In § 1308.24(i), the table is amended to read as follws:

§ 1308.24 Exempt Chemical Preparations.

* * * * *

(i) * * *

EXEMPT CHEMICAL PREPARATIONS

Supplier	Product Name	Form	Date
Aalto Scientific, LTD	Therapeutic Drug Monitoring Control Level I, II, III Freeze Dried.	Vial: 5ml	04/09/91
Abbott Laboratories	125I Cholylglycyltyrosine Reagent Solution, No. 7816.	Plastic Bottle: 20ml	04/07/78
Abbott Laboratories	ADx Benzoylecgonine Fluorescein Tracer Solution.	Bottle: 3.2 ml	12/02/86
Abbott Laboratories	ADx Cannabinoids Fluorescein Tracer Solution.	Bottle: 3.2ml	12/02/86
Abbott Laboratories	ADx Cannabinoids Reagent Pack (No. 9671-55).	Reagent Pack: 50 tests	12/02/86
Abbott Laboratories	ADx Cocaine Metabolite Fluorescein Tracer Solution, No. 9670-T, No. 9670T0013.	Vial: 3.2ml, Kit: 100 vials	04/18/89
Abbott Laboratories	ADx Cocaine Metabolite Reagent Pack, No. 9670-55.	50 Test Unit	04/18/89
Abbott Laboratories	ADx Opiates Fluorescein Tracer Solution, No. 9673-T, No. 9673T0013.	Vial: 3.2ml, Kit: 100 vials	04/18/89
Abbott Laboratories	ADx Opiates Reagent Pack, No. 9673-55	50 Test Unit	04/18/89
Abbott Laboratories	ADx Propoxyphene Fluorescein Tracer Solutions Item No. 9675T0011.	Box: 100 bottles or less	11/30/90
Abbott Laboratories	ADx Propoxyphene Reagent Pack Item No.9675-55.	Kit: 50 test	11/30/90
Abbott Laboratories	Advisor Cannabinoids Bulk Tracer No.76224.	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 5ml; Amp: 20ml, 10ml, 5ml, 2ml.	04/10/92
Abbott Laboratories	Advisor Card & Cover No.07A15	Box: 2000 Cards	04/10/92
Abbott Laboratories	Advisor Card & Tracer No.07A14	Box: 2000 Cards	04/10/92
Abbott Laboratories	Advisor Cocaine Bulk Tracer (in-process) No.77458A.	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 5ml; Amp: 20ml, 10ml, 5ml, 2ml.	06/08/92
Abbott Laboratories	Advisor Cocaine Bulk Tracer No.77458	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 5ml; Amp: 20ml, 10ml, 5ml, 2ml.	04/10/92
Abbott Laboratories	Advisor Drug of Abuse Screening System No.6A60-10.	Kit: 10 Discs	04/10/92
Abbott Laboratories	Advisor Drug of Abuse Screening System No.6A60-21.	Kit: 40 Discs	04/10/92
Abbott Laboratories	Advisor Opiates Bulk Tracer (in-process) No.78692A.	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 5ml; Amp: 20ml, 10ml, 5ml, 2ml.	06/08/92
Abbott Laboratories	Advisor Opiates Bulk Tracer No.78692	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 5ml; Amp: 20ml, 10ml, 5ml, 2ml.	04/10/92
Abbott Laboratories	Advisor Reaction Disc No.6A60B	Disc: 1 Card	04/10/92
Abbott Laboratories	Advisor Reaction Discs No.6A60	Carton: 20 Discs	04/10/92
Abbott Laboratories	Amphetamine Bulk Calibrators, B-F	Carboy: 10L Flask: 6L, 2L, 1L, 250ml, 200ml.	10/09/85
Abbott Laboratories	Amphetamine Bulk Controls, L and H	Flask: 2 liter	12/09/85
Abbott Laboratories	Amphetamine Class Bulk Calibrator B-F	50L, 45L, 20L, 10L, 8L, 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 125ml, 100ml, 50ml, 30ml, 20ml, 15ml, 10ml, 5ml, 2ml.	03/01/88
Abbott Laboratories	Amphetamine Class Bulk Control L and H	50L, 45L, 20L, 10L, 8L, 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 125ml, 100ml, 50ml, 30ml, 20ml, 15ml, 5ml.2ml.	03/01/88
Abbott Laboratories	Amphetamine Class Bulk Tracer: No. 94699.	50L, 45L, 20L, 10L, 8L, 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 125ml, 100ml, 50ml, 30ml, 20ml, 15ml, 10ml, 5ml, 2ml.	03/01/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	Amphetamine Class QC Primary B-F, L, M, H No. 9667 (B-F, L, M, H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Amphetamine Class Stock Tracer: No. 94700.	Bottle: 30 ml	03/01/88
Abbott Laboratories	Amphetamine Stock Standard No. 97072, 97072 A-B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories	Amphetamine Stock Standard, No. 97072	Bottle: 125ml	09/30/85
Abbott Laboratories	Amphetamine/Metamphetamine QC Primary Bulk Control M, No. 9668-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Amphetamine/Methamphetamine (II) QC Primary B-F, L, M, H No. 1A99 (B-F, L, M, H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Amphetamine/Methamphetamine II Bulk Calibrators B-F Code No. 1A99 (B-F).	50L, 45.5L, 20 L, 19L, 13.25L, 13L, 10 L, 9.5L, 9L Carboy; 6 L, 4L, 2 L, 1 L, 250 ml, 200 ml Flask.	08/26/88
Abbott Laboratories	Amphetamine/Methamphetamine II Bulk Controls (L, M, H) Code No. 1A99 (L, M, H).	50L, 45.5L, 20 L, 19L, 13.25L, 13L, 10 L, 9.5L, 9L Carboy; 6 L, 4L, 2 L, 1 L, 250 ml, 200 ml Flask.	08/26/88
Abbott Laboratories	Amphetamine/Methamphetamine II Calibrators B-F No. 1A99 B-F.	5 ml Vial	08/26/88
Abbott Laboratories	Amphetamine/Methamphetamine II Calibrators No. 1A99-01.	Kit: 6 Vials	08/26/88
Abbott Laboratories	Amphetamine/Methamphetamine II Controls (L, M, H) No. 1A99-L, M, H.	5 ML Vial	08/26/88
Abbott Laboratories	Amphetamine/Methamphetamine II Controls No. 1A99-10.	Kit: 3 Vials	08/26/88
Abbott Laboratories	Amphetamine/Methamphetamine QC Primary B-F, L, M, H No. 9668 (B-F, L, M, H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Amphetamine/Methamphetamine QC Primary Standard Control M, No. 9668-M.	Bottle: 5 ml	11/10/87
Abbott Laboratories	Amphetamine/Methamphetamine II Bulk Controls, No. 1A99X, Y, Z.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Amphetamine/Methamphetamine II Control X, Y, Z; NO. 1A99-02, 03, 04.	Kit: 100 vials	01/19/89
Abbott Laboratories	Amphetamine/Methamphetamine II Control X, Y, Z; No. 1A99X, Y, Z.	Vial: 5ml	01/19/89
Abbott Laboratories	Amphetamine/Methamphetamine II QC Primary 2-6 QT, NG, CO, PS No. 1A99 2-6 QT-QC & NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Amphetamine/Methamphetamine II QC Primary 8QT NO. 1A998QT-QC.	Carboy: 20L, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/25/91
Abbott Laboratories	Amphetamine/Methamphetamine II bulk Calibrator B, C, D, E, F; No. 01A99-B, C, D, E, F.	Carboy: 20L, 10L, 6L, 2L, 1L, 250ml, 200ml.	07/14/89
Abbott Laboratories	Amphetamine/Methamphetamine II bulk Control L, M, H, ; No. 01A99-L, M, H.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	07/14/89
Abbott Laboratories	Barbital Buffer, 0.06 M Reagent Solution No. 7824.	Plastic Bottle: 2.5ml	04/07/78
Abbott Laboratories	Barbiturate II U Control L, M, H; No. 9669 L, M, H-11.	Bottle: 5 ml	10/17/89
Abbott Laboratories	Barbiturates Bulk Calibrator B-F No. 9669 B-F.	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L, 6L, 4L, 2L, 1L, 250ml, 200ml.	07/01/88
Abbott Laboratories	Barbiturates Bulk Control L, H No. 9669 L, H.	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5, 9L, 6L, 4L, 2L, 1L, 250ml, 200ml.	07/01/88
Abbott Laboratories	Barbiturates Bulk Controls, No. 9669X, Y, Z.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Barbiturates Control X, Y, Z; No. 9669X, Y, Z.	Vial: 5ml	01/19/89
Abbott Laboratories	Barbiturates II QC Primary NG, CO, PS No. 9669 NG/CO/PS-11-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Barbiturates II U Bulk Calibrators B-F; No. 9669 B-F-05.	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L, 6L, 4L, 2L, 1L, Flask: 250ml, 200ml.	10/17/89
Abbott Laboratories	Barbiturates II U Bulk Controls L, M, H; No. 9669 L, M, H - 11.	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L, 6L, 4L, 2L, 1L, Flask: 250ml, 200ml.	10/17/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	Barbiturates II U Calibrators B-F; No. 9669 B-F-05.	Bottle: 5 ml	10/17/89
Abbott Laboratories	Barbiturates II U Calibrators B-F; No. 9669-05.	Kit: 6 vials	10/17/89
Abbott Laboratories	Barbiturates II U Controls L, M, H; No. 9661-11.	Kit: 3 vials	10/17/89
Abbott Laboratories	Barbiturates II U QC Primary B-F; No. 9669 B-F-05 QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	10/17/89
Abbott Laboratories	Barbiturates II U QC Primary L, M, H; No. 9669 L, M, H-11 QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	10/17/89
Abbott Laboratories	Barbiturates QC Primary B-F, L, M, H; No. 9669 (B-F, L, M, H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5 ml.	11/22/88
Abbott Laboratories	Barbiturates QC Primary Bulk Control M, No. 9669-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Barbiturates QC Primary Standard Control M, No. 9669-M.	Bottle: 5 ml	11/10/87
Abbott Laboratories	Barbiturates QC Primary X, No. 9669X-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories	Barbiturates Serum Bulk Calibrator B-F, No. 9679 B-F.	Carboy, Flask, Bottle or Ampule: 50, 45, 20, 10, 8, 6, 4, 2, 1L; 500, 250, 200, 125, 100, 50, 30, 20, 15, 10, 5, 2 ml.	01/03/89
Abbott Laboratories	Barbiturates Serum Bulk Control L, M, H; No. 9676 L, M, H.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/03/89
Abbott Laboratories	Barbiturates Serum Calibrators B-F, No. 9679-01.	Kit: 6 vials	01/03/89
Abbott Laboratories	Barbiturates Serum Calibrators B/F, No. 9679 B/F.	Bottle: 5ml	01/03/89
Abbott Laboratories	Barbiturates Serum Controls L, M, H; No. 9679 L, M, H.	Bottle: 5ml	01/03/89
Abbott Laboratories	Barbiturates Serum Controls L, M, H; No. 9679-10.	Kit: 3 vials	01/03/89
Abbott Laboratories	Barbiturates Serum QC Primary B-F, L, M, H; No. 9679 (B-F, L, M, H)-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	01/03/89
Abbott Laboratories	Benzodiazepine Serum QC Primary B-F, L, M, H; No. 9682 (B-F, L, M, H)-QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5 ml.	11/22/88
Abbott Laboratories	Benzodiazepines Bulk Calibrator No. 9674 B-F.	Carboy: 50L, 45.5L, 20L, 19.5L, 19L, 13.25L, 13L, 10L, 9L, 6L, 4L, 2L, 1L, 250ml, 200ml.	07/18/88
Abbott Laboratories	Benzodiazepines Bulk Control L, H; No. 9674 L, H.	Carboy: 50L, 45.5L, 20L, 19L, 13.25zl, 13L, 10L, 9.5, 9L, 6L, 4L, 2L, 1L, 250ml, 200ml.	07/18/88
Abbott Laboratories	Benzodiazepines QC Primary Bulk Control M, No. 9674-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Benzodiazepines QC Primary Bulk Control M, No. 9674-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Benzodiazepines QC Primary NG, CO, PS No. 9674NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Benzodiazepines QC Primary, B-F, L, M, H; No. 9674 (B-F, L, M, H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml; Bottle: 5ml.	11/22/88
Abbott Laboratories	Benzodiazepines Serum Bulk Calibrators B-F: Code No. 9682 B-F.	Carboy: 10 liter; Flask: 6 liter, 2 liter	12/07/87
Abbott Laboratories	Benzodiazepines Serum Bulk Calibrators: No. 9682 B-F.	Carboy: 20 liters, 10 liters; Flask: 6 liters, 2 liters, 1 liter.	05/02/88
Abbott Laboratories	Benzodiazepines Serum Bulk Controls L, M, & H: Code No. 9682 L, M, & H.	Carboy: 10 liter; Flask: 6 liter, 2 liter	12/07/88
Abbott Laboratories	Benzodiazepines Serum Bulk Controls: No. 9682 L, M, H.	Carboy: 20 liters, 10 liters; Flask: 6 liters, 2 liters, 1 liter, 250 ml, 200 ml.	05/02/88
Abbott Laboratories	Benzoylecgonine Stock Standard No. 97182, 97182 A-B.	Carboy: 20L, 10L; Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950ml, 500ml, 100ml, 5ml.	11/23/88
Abbott Laboratories	Benzoylecgonine Stock Standard, No. 97182.	Bottle: 125ml	11/21/85
Abbott Laboratories	CG RIA Diagnostic Kit No. 7815	Kit: 100 tests	04/07/78
Abbott Laboratories	Cannabinoids - GS Bulk Controls, No. 3897X, Y, Z.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Cannabinoids - GS Control X, Y, Z; No. 3897 - 02, 03, 04.	Kit: 100 vials	01/19/89
Abbott Laboratories	Cannabinoids - GS Control X, Y, Z; No. 3897X, Y, Z.	Vial: 5ml	01/19/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	Cannabinoids Bulk Calibrators B-F, No. 9671 (B02-F02).	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/24/86
Abbott Laboratories	Cannabinoids Bulk Controls L, M, H; No. 9671 (L11, M11H11).	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/24/86
Abbott Laboratories	Cannabinoids Bulk Tracer (No. 94192)	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/27/86
Abbott Laboratories	Cannabinoids QC Primary 2-6 QT, NG, CO, PS No. 9671-11 2-6 QT-QC & NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Cannabinoids QC Primary 8QT No. 9671-11 8QT-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/25/91
Abbott Laboratories	Cannabinoids QC Primary NBS, B-F, L, M, H; No. 9671-02[NBS, B-F]-QC; No. 9671-11[L, M, H]-QC.	Carboy: 10L, Flask: 4L, 2L, 500ml, 250ml, 100ml, 200ml, Bottle: 5ml.	12/27/88
Abbott Laboratories	Cannabinoids QC Primary NBS, B-F, L, M, H; No. 9671 (NBS, B-F, L, M, H)-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	12/27/88
Abbott Laboratories	Cannabinoids Stock Standard (94568)	Bottle: 125 ml	06/19/87
Abbott Laboratories	Cannabinoids Stock Standard (No. 94193).	Bottle: 125 ml	10/24/86
Abbott Laboratories	Cannabinoids Stock Standard 10mcg/ml-No. 94568, 5mcg/ml-No. 94568A, 1mcg/ml-No. 94568B.	Carboy: 20L, 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, bottle: 950ml, 500ml, 100ml, 5ml.	12/27/89
Abbott Laboratories	Cannabinoids Stock Standard; 10mcg/ml-No. 94193, 5mcg/ml-No. 94193A, 1mcg/ml-No. 94193B.	Carboy: 20L, 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, bottle: 950ml, 500ml, 100ml, 5ml.	12/27/88
Abbott Laboratories	Cannabinoids Stock Tracer (No. 94194)	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 30ml, 5ml; Amp: 20, 10, 5, 2ml.	10/27/86
Abbott Laboratories	Cannabinoids-GS Bulk Calibrators B-F No. 3897 B-F.	20 L, 10 L Carboy; 6 L, 2 L, 1 L, 250 ml, 200 ml Flask.	07/28/88
Abbott Laboratories	Cannabinoids-GS Bulk Controls (L, M, H) Code No. 3897 (L, M, H).	20 L, 10 L Carboy; 6 L, 2 L, 1 L, 250 ml, 200 ml Flask.	07/28/88
Abbott Laboratories	Cannabinoids-GS Bulk Tracer Code No. 95826.	10 L Carboy; 6 L, 2 L Flask	07/28/88
Abbott Laboratories	Cannabinoids-GS Calibrators B-F No. 3897 B-F.	5 ml Vial	07/28/88
Abbott Laboratories	Cannabinoids-GS Calibrators No. 3897-01.	Kit: 6 Vials	07/28/88
Abbott Laboratories	Cannabinoids-GS Controls (L, M, H) No. 3897-L, M, H.	5 ml Vial	07/28/88
Abbott Laboratories	Cannabinoids-GS Controls No. 3897-10	Kit: 3 Vials	07/28/88
Abbott Laboratories	Cannabinoids-GS QC Primary NBS, B-F, L, M, H; No. 3897 (NBS, B-F, L, M, H)-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	12/27/88
Abbott Laboratories	Cannabinoids-GS Reagent Pack 100 Test No. 3897-20.	Kit: 100 Tests	07/28/88
Abbott Laboratories	Cannabinoids-GS Reagent Pack 100 Test, No. 3897-19.	Kit: 100 Tests	09/22/89
Abbott Laboratories	Cannabinoids-GS Tracer Code No. 3897-T.	5 ml Vial	07/28/88
Abbott Laboratories	Cholylglycine Antiserum (Rabbit) Reagent Solution No. 7817.	Plastic Bottle: 20ml	04/07/78
Abbott Laboratories	Cocaine Metabolite Bulk Calibrator B-F No. 9670 B-F.	Carboy: 9.5, 19 L	07/07/88
Abbott Laboratories	Cocaine Metabolite Bulk Calibrator, B-F No. 9670.	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/28/85
Abbott Laboratories	Cocaine Metabolite Bulk Controls L, H No. 9670-L, H.	Carboy: 9.5, 19 L	07/07/88
Abbott Laboratories	Cocaine Metabolite Bulk Controls, L and H No. 9670.	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/28/85
Abbott Laboratories	Cocaine Metabolite Bulk Controls, No. 9670X, Y, Z.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Cocaine Metabolite Bulk Tracer, No. 97075.	Carboy: 50L, 45.5L, 20L, 13.25L, 13L, 10L, 9L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/30/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	Cocaine Metabolite Control X, Y, Z; No. 9670X, Y, Z.	Vial: 5ml	01/19/89
Abbott Laboratories	Cocaine Metabolite QC Primary 2-6 QT, NG, CO, PS No. 9670 2-6 QT-QC & NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Cocaine Metabolite QC Primary 2-6 QT-C, 8QT-C No. 9670 2-6 QTC-QC, 9670 8QTC-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/28/91
Abbott Laboratories	Cocaine Metabolite QC Primary 8QT No. 9670 8QT-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/25/91
Abbott Laboratories	Cocaine Metabolite QC Primary B-F, L, M. H, No. 9670 (B-F, L, M, H)-QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	11/23/88
Abbott Laboratories	Cocaine Metabolite QC Primary Bulk Control M, No. 9670-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Cocaine Metabolite QC Primary Standard Control M, No. 9670-M.	Bottle: 5 ml	11/10/87
Abbott Laboratories	Cocaine Metabolite QC Primary X, No. 9670Z-QC; Primary Z, No. 9670Z-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories	Cocaine Metabolite Stock Tracer, No. 97156.	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 30ml, 5ml; Amp: 20, 10, 5, 2ml.	10/30/85
Abbott Laboratories	High Multiconstituent (9) Stock Standard Cat. No. 92622.	Carboy: 50, 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	07/02/91
Abbott Laboratories	Low Multiconstituent (9) Stock Standard Cat. No. 92620.	Carboy: 50, 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	07/02/91
Abbott Laboratories	Low, Medium, High Multiconstituent Stock Standards, No. 90967, 90968, 90969.	Carboy: 10, 20L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/06/89
Abbott Laboratories	Medium Multiconstituent (9) Stock Standard Cat. No. 92621.	Carboy: 50, 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	07/02/91
Abbott Laboratories	Methadone Bulk Calibrators (B-F) Code No. 9676 (B-F).	20 L, 10 L Carboy; 6 L, 2 L, 1 L, 250 ml, 200 ml Flask.	09/02/88
Abbott Laboratories	Methadone Bulk Calibrators (L, M, H) Code No. 9676 (L, M, H).	20 L, 10 L Carboy; 6 L, 2 L, 1 L, 250 ml, 200 ml Flask.	09/02/88
Abbott Laboratories	Methadone Bulk Stock Standard Code No. 95952.	10 L Carboy; 6 L, 2 L, 1 L Flask	09/02/88
Abbott Laboratories	Methadone Calibrators No. 9676-01	Kit: 6 Vials	09/02/88
Abbott Laboratories	Methadone Calibrators B-F No. 9676 B-F	5 ml Vial	09/02/88
Abbott Laboratories	Methadone Controls L, M, H No. 9676-L, M, H.	5 ml Vial	09/02/88
Abbott Laboratories	Methadone Controls No. 9676-10	Kit: 3 Vials	09/02/88
Abbott Laboratories	Methadone QC Primary NG, CO, PS No. 9676 NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Methadone Stock Standard Code No. 95720.	1 L, 500 ml, 100 ml Bottle	09/02/88
Abbott Laboratories	Morphine Stock Standard, No. 97291	Vial: 125ml	10/16/85
Abbott Laboratories	Morphine Stock Standard, No.97291 A-B	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories	Multiconstituent (9) QC Control H Cat. No. 92625.	Carboy: 50, 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	07/02/91
Abbott Laboratories	Multiconstituent (9) QC Control L Cat. No. 92623.	Carboy: 50, 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	07/02/91
Abbott Laboratories	Multiconstituent (9) QC Control M Cat. No. 92624.	Carboy: 50, 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	07/02/91
Abbott Laboratories	Multiconstituent Bulk Controls L, M, H (No. 9687-L, M, H).	Carboy: 20L, 10L, Flask: 10L, 6L, 4L, 2L, 1L, 250ml, 200ml.	09/03/87
Abbott Laboratories	Multiconstituent Control for Abused Drug Assays Bulk L, M, H; No. 9687-L, M, H.	Carboy: 20L, 10L, 19L, 9.5L, 6L, 4L, 1L, Flask: 250ml, 200ml.	10/06/89
Abbott Laboratories	Multiconstituent Control for Abused Drug Assays L, M, H; No. 9687-L, M, H.	Vial: 5 ml	10/06/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	Multiconstituent Control for Abused Drug Assays QC Primaries L, M, H; No. 9687-L, H, H-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	10/06/89
Abbott Laboratories	Multiconstituent Controls for Abused Drug Assays, No. 9687-10.	Kit: 6 vials	10/06/89
Abbott Laboratories	Nordiazepam Serum Bulk Stock Standard No. 94941.	Carboy: 10 liters; Flask: 6 liters, 2 liters, 1 liter.	05/02/88
Abbott Laboratories	Nordiazepam Serum Bulk Stock Standard: Code No.94941.	Carboy: 10 liter; Flask: 6 liter, 2 liter	12/07/87
Abbott Laboratories	Nordiazepam Serum Stock Standard No 94941, 94941 A, B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/22/88
Abbott Laboratories	Nordiazepam Serum Stock Standard: Code No. 94941.	Bottle: 125 ml	12/07/87
Abbott Laboratories	Nordiazepam Serum Stock Standard: No. 94941.	Bottle: 125 ml	05/02/88
Abbott Laboratories	Nordiazepam Stock Standard No. 97757, 97757 A, B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories	Nordiazepam Stock Standard, No. 97757	Bottle: 125ml	04/21/86
Abbott Laboratories	Opiate Bulk Calibrators, B-F, No.9673 B-F.	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	05/07/86
Abbott Laboratories	Opiate Bulk Controls, L and H No. 9673 L and H.	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	05/07/86
Abbott Laboratories	Opiates Bulk Controls, No. 9673X, Y, Z	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Opiates Bulk Tracer, No. 97458	Carboy: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	05/07/86
Abbott Laboratories	Opiates Control X, Y, Z; No. 9673X, Y, Z	Vial: 5ml	01/19/89
Abbott Laboratories	Opiates QC Primary (B-F, L, M, H) QC No. 9673 (B-F, L, M, H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Opiates QC Primary 2-6 QT, NG, CO, PS No. 9673 2-6 QT-QC & NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Opiates QC Primary 8QT No. 9673 8QT-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/25/91
Abbott Laboratories	Opiates QC Primary Bulk Control M, No. 9673-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Opiates QC Primary Standard Control M, No. 9673-M.	Bottle: 5 ml	11/10/87
Abbott Laboratories	Opiates QC Primary X, No. 9673X-QC; Primary Y, No. 9673Y-QC; PrimaryZ, No. 9673Z-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories	Opiates Stock Tracer, No. 98718	Flasks: 6L, 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml; Bottles: 950ml, 500ml, 100ml, 50ml, 30ml, 5ml; Amp: 20, 10, 5, 2ml.	05/07/86
Abbott Laboratories	Phencyclidine Bulk Calibrator, B-F No. 9672 B-F.	Carboy: 50L, 45.5L, 20L, 13.25L, 13L, 10L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86
Abbott Laboratories	Phencyclidine Bulk Control M, No. 9672 M.	Carboy: 50L, 45.5L, 20L, 13.25L, 13L, 10L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	09/26/86
Abbott Laboratories	Phencyclidine Bulk Controls, L and H No. 9672 L and H.	Carboy: 50L, 45.5L, 20L, 13.25L, 13L, 10L, 9L Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86
Abbott Laboratories	Phencyclidine Bulk Controls, No. 9672X, Y, Z.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Phencyclidine Control X, Y, Z; No. 9672X, Y, Z.	Vial: 5ml	01/19/89
Abbott Laboratories	Phencyclidine QC Primary (B-F, L, M, H) QC No. 9672 (B-F, L, M, H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Phencyclidine QC Primary 2-6 QT NG, CO, PS No. 9672 2-6 QT-QC & NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Phencyclidine QC Primary 8QT No. 9672 8QT-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/25/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	Phencyclidine QC Primary X, No. 9672X-QC; Primary Z, No. 9672Z-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories	Phencyclidine Stock Standard No. 97158, 97158 A-B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories	Phencyclidine Stock Standard, No. 95356	Flask: 100ml, 200ml, 250ml, 500ml, 1L, 2L, 4L, Bottle: 5ml, 100ml, 500ml, 950 ml, Carboys: 10L, 20L.	04/18/89
Abbott Laboratories	Phencyclidine Stock Standard, No. 97158	Bottle: 125ml	11/21/85
Abbott Laboratories	Phenobarbital Bulk Calibrators No. 9500 B-F.	Carboy: 50L, 45.5L, 19L, 13.25L, 13L, 9.5L, 9L; Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	06/16/88
Abbott Laboratories	Phenobarbital Bulk Controls No. 9500 L, M, H.	Carboy: 50L, 45.5L, 19L, 13.25L, 13L, 9.5L, 9L; Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	06/16/88
Abbott Laboratories	Phenobarbital Enzyme Inhibitor Stock	Vial: 2ml	01/20/84
Abbott Laboratories	Phenobarbital QC Primary B-F, L, M, H Item No. 9500B-F, L, M, H.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottles: 950, 500, 100, 50, 5ml; Ampules: 20, 10, 5, 2ml.	01/04/91
Abbott Laboratories	Phenobarbital Stock Solution 1 mg/ml Code No. 94312.	Plastic Bottle: 125 ml	03/23/87
Abbott Laboratories	Phenobarbital Stock Solution 10 mg/ml Code No. 94313.	Plastic Bottle: 125 ml	03/23/87
Abbott Laboratories	Phenobarbital Stock Standard 500 ug/ml Item No. 99259.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottles: 950, 500, 100, 50, 5ml; Ampules: 20, 10, 5, 2ml.	01/04/91
Abbott Laboratories	Phenobarbital Stock Standard Solution	Bottle: 1 liter	08/12/82
Abbott Laboratories	Polyethylene Glycol 8000, 16% Solution in 0.09 M Barbital Buffer, No. 7541.	Plastic Bottle: 300 ml, 150 ml	09/21/77
Abbott Laboratories	Polyethylene Glycol 8000, 18% Solution in 0.09M Barbital Buffer: No. 07602.	Stainless Steel Tank: 1000 liters	03/09/88
Abbott Laboratories	Progesterone Buffer No. 2242J	Bottle: 30ml	03/11/92
Abbott Laboratories	Progesterone Buffer No. 2242J0001	Box: 100 Bottles/30ml	03/11/92
Abbott Laboratories	Progesterone Bulk Buffer No. 12918	Carboy: 50L, 25L, 20L, 19L, 15L, 13L, 10L, 9L; Bottle: 950ml, 500ml, 100ml, 50ml, 30ml, 20ml; Amp: 20ml, 10ml, 5ml, 2ml.	05/11/92
Abbott Laboratories	Progesterone Reagent Pack No. 2242-20	Kit: 4 Bottles	03/11/92
Abbott Laboratories	Propoxyphene Bulk Calibrator B-F No. 9675 B-F.	Carboys or Flasks: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L, 6L, 4L, 2L, 1L, 250ml, 200ml.	11/30/90
Abbott Laboratories	Propoxyphene Bulk Control L, M, H No. 9675 L, M, H.	Carboys or Flasks: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L, 6L, 4L, 2L, 1L, 250ml, 200ml.	11/30/90
Abbott Laboratories	Propoxyphene Bulk Tracer Item No. 92003.	Carboys or Flasks: 50L, 45.5L, 20L, 19L, 13.25L, 13L, 10L, 9.5L, 9L, 6L, 4L, 2L, 1L, 250ml, 200ml.	11/30/90
Abbott Laboratories	Propoxyphene Calibrators Item No. 9675-01.	Kit: 5 vials	11/30/90
Abbott Laboratories	Propoxyphene Calibrators Item No. 9675B-F.	Vial: 5ml	11/30/90
Abbott Laboratories	Propoxyphene Controls Item No. 9675-10	Kit: 3 vials	11/30/90
Abbott Laboratories	Propoxyphene Controls Item No. 9675L, M, H.	Vial: 5ml	11/30/90
Abbott Laboratories	Propoxyphene QC Primary B-F, L, M, H, Z Item No. 9675(B-F, L, M, H, Z)-QC.	Carboy: 20, 10L Flasks: 6, 4, 2, 1L, 500, 250, 200, 100ml Bottles: 950, 500, 100, 50, 5ml Ampules: 20, 10, 5, 2ml.	11/30/90
Abbott Laboratories	Propoxyphene QC Primary NG, CO, PS No. 9675 NG/CO/PS-QC.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950ml, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	02/20/91
Abbott Laboratories	Propoxyphene Stock Standard, 100 mcg/ml Item No. 92005.	Carboys: 20, 10L Flasks: 6, 4, 2, 1L, 500, 250, 200, 100ml Bottles: 950, 500, 100, 50, 5ml Ampules: 20, 10, 5, 2ml.	11/30/90
Abbott Laboratories	Propoxyphene Stock Tracer Item No. 92001.	Bottle: 12ml	11/30/90
Abbott Laboratories	Propoxyphene Tracer Item No. 9675-T	Bottles: 3.2ml, 5ml	11/30/90
Abbott Laboratories	Secobarbital Bulk Calibrator, B-F No. 9669.	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86
Abbott Laboratories	Secobarbital Bulk Controls, L and H No. 9669.	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	Secobarbital Stock Standard 1000mcg/ml-No. 90107, 500mcg/ml-No. 90107A, 200mcg/ml-No. 90107B.	Carboy: 20L, 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	01/03/89
Abbott Laboratories	Secobarbital Stock Standard No. 97171, 97171 A, B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/22/88
Abbott Laboratories	Secobarbital Stock Standard, No. 97171 .	Bottle: 125ml	11/21/85
Abbott Laboratories	Spectrum Phenobarbital Calibrator II-VI, Nos. 9755, 9757, 9759, 9761, 9763.	Bottle: 4ml	10/03/85
Abbott Laboratories	Spectrum Phenobarbital Controls, Nos. 9876, 9878, 9880. (L, M, H).	Bottle: 4ml	10/03/85
Abbott Laboratories	TDx Amphetamine Class Calibrators 9667-01.	Kit: 6 vials	03/01/88
Abbott Laboratories	TDx Amphetamine Class Calibrators B-F	Bottle: 5 ml	03/01/88
Abbott Laboratories	TDx Amphetamine Class Control L and H	Bottle: 5 ml	03/01/88
Abbott Laboratories	TDx Amphetamine Class Controls 9667-10.	Kit: 2 vials	03/01/88
Abbott Laboratories	TDx Amphetamine Class Reagent Pack, No. 9667-60.	Kit: 1 vial	03/01/88
Abbott Laboratories	TDx Amphetamine Class Tracer Solution, No. 9667T.	Bottle: 5 ml	03/01/88
Abbott Laboratories	TDx Amphetamine/Methamphetamine Calibrator, No. 9668-01.	Bottles: 4ml	08/23/85
Abbott Laboratories	TDx Amphetamine/Methamphetamine Controls, No. 9668-10.	Bottles: 4ml	08/23/85
Abbott Laboratories	TDx Barbiturates Calibrators No. 9669 B-F.	5 ml Vial	07/01/88
Abbott Laboratories	TDx Barbiturates Calibrators No. 9669-01	Kit: 5 Vials, 5 ml each	07/01/88
Abbott Laboratories	TDx Barbiturates Calibrators, B-F No. 9669.	Bottle: 4 ml	10/08/85
Abbott Laboratories	TDx Barbiturates Control L, H No. 9669 L, H.	5 ml Vial	07/01/88
Abbott Laboratories	TDx Barbiturates Control, L and H No. 9669.	Bottle: 4ml	10/08/85
Abbott Laboratories	TDx Barbiturates Controls No. 9669-10 ...	Kit: 2 Vials, 5 ml each	07/01/88
Abbott Laboratories	TDx Benzodiazepines Calibrator No. 9674 B-F.	5 ml Vial	07/18/88
Abbott Laboratories	TDx Benzodiazepines Calibrators No. 9674-01.	Kit: 5 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Benzodiazepines Calibrators, No. 9674-01.	Bottles: 4ml	04/21/86
Abbott Laboratories	TDx Benzodiazepines Controls L, H No. 9674 L, H.	5 ml Vial	07/18/88
Abbott Laboratories	TDx Benzodiazepines Controls L, H No. 9674-10.	Kit: 2 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Benzodiazepines Controls, No. 9674-10.	Bottles: 4ml	04/21/86
Abbott Laboratories	TDx Benzodiazepines Serum Calibrator No. 9682 B-F.	Bottle: 4 ml	05/02/88
Abbott Laboratories	TDx Benzodiazepines Serum Calibrators B-F: Code No. 9682 B-F.	Bottle: 4ml, 5ml	12/07/88
Abbott Laboratories	TDx Benzodiazepines Serum Calibrators: Code No. 9682-01.	Kit	12/07/88
Abbott Laboratories	TDx Benzodiazepines Serum Calibrators: No. 9682-01.	Kit: 6 vials	05/02/88
Abbott Laboratories	TDx Benzodiazepines Serum Controls L, M, & H: No. 9682 L, M, H.	Bottle: 4 ml	12/07/87
Abbott Laboratories	TDx Benzodiazepines Serum Controls L, M, H: No. 9682 L, M, H.	Bottle: 4 ml	05/02/88
Abbott Laboratories	TDx Benzodiazepines Serum Controls: Code No. 9682-10.	Kit	12/07/88
Abbott Laboratories	TDx Benzodiazepines Serum Controls: No. 9682-10.	Kit: 3 vials	05/02/88
Abbott Laboratories	TDx Cannabinoids Calibrators B-F (9671-02).	Bottle: 5 ml	06/19/87
Abbott Laboratories	TDx Cannabinoids Calibrators B-F (No. 9671-01).	Bottles: 5 ml	10/24/86
Abbott Laboratories	TDx Cannabinoids Controls L, M, and H (9671-11).	Bottle: 5 ml	06/19/87
Abbott Laboratories	TDx Cannabinoids Controls L, M, H (No. 9671-10).	Bottles: 5 ml	10/24/86

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	TDx Cannabinoids Fluorescein Tracer Solution (No. 9671-T).	Bottle: 5 ml	10/27/86
Abbott Laboratories	TDx Cannabinoids Reagent Pack (No. 9671-20).	100 tests	10/27/86
Abbott Laboratories	TDx Cocaine Metabolite Calibrator B-F No. 9670 B-F.	5 ml Vial	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Calibrator, B-F No. 9670.	Bottle: 4ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Calibrators No. 9670-01.	Kit: 5 Vials, 5 ml each	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Control L, H No. 9670 L, H.	5 ml Vial	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Control, L and H No. 9669.	Bottle: 4ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Controls No. 9670-10.	Kit: 2 Vials, 5 ml each	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Fluorescein Tracer Solution No. 9670 T0001.	Kit: 100 Vials, 5 ml Each	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Fluorescein Tracer Solution No. 9670-T.	Box: 5 ml Vial	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Reagent Pack ...	Reagent well: 5ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Reagent Pack No. 9670-20.	Kit: 100 Tests	07/07/88
Abbott Laboratories	TDx Multiconstituent Controls L, M, H (No. 9687-L, M, H).	Bottle: 5 ml	09/03/87
Abbott Laboratories	TDx Opiates Calibrators B-F: No. 9673-01.	Vial: 4 ml	02/29/88
Abbott Laboratories	TDx Opiates Calibrators, B-F No. 9673 ...	5 ml Vial	05/07/86
Abbott Laboratories	TDx Opiates Controls L and H: No. 9673 L, H.	Vial: 4 ml	02/29/88
Abbott Laboratories	TDx Opiates Controls, L and H No. 9673	Vials: 5ml	05/07/86
Abbott Laboratories	TDx Opiates Fluorescein Tracer Solution No. 9673 T0001.	Box: 10 Vials, 5 ml each	07/08/88
Abbott Laboratories	TDx Opiates Fluorescein Tracer Solution: No. 9673-T.	Reagent Well: 5 ml	02/29/88
Abbott Laboratories	TDx Opiates Reagent, Pack No. 9673-20, 100 tests.	Reagent Well: 5ml , 100 tests	05/07/86
Abbott Laboratories	TDx Phencyclidine Bulk Calibrator B-F No. 9672 B-F.	Carboy: 9.5, 19 L	07/18/88
Abbott Laboratories	TDx Phencyclidine Bulk Calibrator B-F No. 9672 B-F.	5 ml Vial	07/18/88
Abbott Laboratories	TDx Phencyclidine Bulk Control L, M, H No. 9672 L, M, H.	Carboy: 9.5, 19 L	07/18/88
Abbott Laboratories	TDx Phencyclidine Calibrators B-F No. 9672-01.	Kit: 5 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Phencyclidine Calibrators, B-F No. 9672.	Bottle: 4ml	10/09/85
Abbott Laboratories	TDx Phencyclidine Control M No. 9672 ...	Bottle: 4ml	09/26/86
Abbott Laboratories	TDx Phencyclidine Controls L, M, H No. 9672 L, M, H.	5 ml Vial	07/18/88
Abbott Laboratories	TDx Phencyclidine Controls No. 9672-10	Kit: 3 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Phencyclidine Controls, L and H No. 9672.	Bottle: 4ml	10/09/85
Abbott Laboratories	TDx Phenobarbital Calibrator-0.0, 5.0, 10.0, 20.0, 40.0, and 80.0 mcg/ml.	Kit ctg: 6 vials	08/31/81
Abbott Laboratories	TDx Phenobarbital Calibrators B-F No. 9500 B-F.	5 ml Vial	06/16/88
Abbott Laboratories	TDx Phenobarbital Calibrators No. 9500-01 (9500 B-F).	Kit: 6 Vials, 5 ml each	06/16/88
Abbott Laboratories	TDx Phenobarbital Controls No. 9500 L, M, H.	5 ml Vial	06/16/88
Abbott Laboratories	TDx Phenobarbital Controls No. 9500-10 (9500 L, M, H).	Kit: 3 Vials, 5 ml each	06/16/88
Abbott Laboratories	TDx Phenobarbital Controls- 15.0, 30.0, 50.0 mcg/ml.	Kit ctg: 3 vials	08/31/81
Abbott Laboratories	TDx Propoxyphene Reagent Pack Item No. 9675-20.	Kit: 100 tests	11/30/90
Abbott Laboratories	TDx Systems Multiconstituent Controls for Abused Drug (No. 9687-10).	Kit: 6 Bottles	09/03/87
Abbott Laboratories	TDx or TDx/TDxFLx Propoxyphene Fluorescein Tracer Solution Item No. 9675T0001.	Box: 100 bottles or less	11/30/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Abbott Laboratories	TDx, ADx Amphetamine Class Reagent Pack, No. 9667-20, No. 9667-55.	Kit: 100 tests	03/01/88
Abbott Laboratories	TDx/TDxFLx Propoxyphene Reagent Pack Item No. 9675-60.	Kit: 100 tests	11/30/90
Abbott Laboratories	Thyroxine Binding Globulin, Thyroxine I 125.	Glass Bottle: 13ml. Plastic Bottle: 250ml	04/22/76
Abbott Laboratories	TrakPak Five Drug Control 2-6 QT Nos. 92212-92216.	Carboy: 20, 10L Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml Bottle: 950, 500, 100, 50, 5ml Ampule: 20, 10, 5, 2ml.	10/19/90
Abbott Laboratories	TrakPak Five Drug Control 8QT No. 93349.	Carboy: 20, 10L; Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottle: 950, 500, 100, 50, 5ml; Ampule: 20, 10, 5, 2ml.	10/25/9
Abbott Laboratories	TrakPak Five Drug Control Stock No. 92210.	Carboy: 20, 10L Flask: 6, 4, 2, 1L, 500, 250, 200, 100ml Bottle: 950, 500, 100, 50, 5ml Ampule: 20, 10, 5, 2ml.	10/19/90
Abbott Laboratories	Trakpak Card w/Cover Code #01249	Box: 2000 cards w/cover	03/08/91
Abbott Laboratories	Trakpak Card w/Tracers Code #01248	Box: 2000 cards	03/08/91
Abbott Laboratories	Trakpak Cocaine Tracer Code #92199	Flasks: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottles: 950, 500, 100, 50, 5ml; Ampules: 20, 10, 5, 2ml.	03/08/91
Abbott Laboratories	Trakpak Drug of Abuse Screening System (40 test kit) Code #04A74.	Kit: 40 cartridges	03/08/91
Abbott Laboratories	Trakpak Negative Control Code #04A74C	Vial: 5ml	03/08/91
Abbott Laboratories	Trakpak Opiates Tracer Code #92198	Flasks: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottles: 950, 500, 100, 50, 5ml; Ampules: 20, 10, 5, 2ml.	03/08/91
Abbott Laboratories	Trakpak Reaction Cartridge Code #04A74B.	Cartridge: 1 card	03/08/91
Abbott Laboratories	Trakpak THC Tracer Code #92200	Flasks: 6, 4, 2, 1L, 500, 250, 200, 100ml; Bottles: 950, 500, 100, 50, 5ml; Ampules: 20, 10, 5, 2ml.	03/08/91
Abbott Laboratories	X Systems Amphetamine/Methamphetamine II Calibrator B, C, D, E, F; No. 01A99-B, C, D, E, F.	Vial: 5 ml	07/14/89
Abbott Laboratories	X Systems Amphetamine/Methamphetamine II Calibrators, No. 01A99-01.	Kit: 6 vials	07/14/89
Abbott Laboratories	X Systems Amphetamine/Methamphetamine II Control L, M, H; No. 01A99-L, M, H.	Vial: 5 ml	07/14/89
Abbott Laboratories	X Systems Amphetamine/Methamphetamine II Controls, No. 01A99-10.	Kit: 3 vials	07/14/89
Abbott Laboratories	X Systems Methadone Calibrators B-F	Kit: 6 Bottles	05/12/92
Abbott Laboratories	X Systems Methadone Calibrators B-F	Bottle: 5ml	05/15/92
Abbott Laboratories	X Systems Methadone Controls L, M, H, No. 9676-10.	Kit: 3 Bottles	05/15/92
Abbott Laboratories	X Systems Methadone Controls L, M, H; No. 9676 L, M, H.	Bottle: 5ml	05/15/92
Abbott Laboratories	d-Amphetamine (II) Bulk Stock Standard Code No. 95947.	10L Carboy; 6L, 2L, 1L Flask	08/26/88
Abbott Laboratories	d-Amphetamine (II) Stock Standard Code No. 95934.	1L, 500ml, 100ml Bottle	08/26/88
Abbott Laboratories	d-Amphetamine (II) Stock Standard No. 95934, 95934 A-B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Adri/Technam	3-Ortho-Carboxymethylmorphine	Screw Cap Vial	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid.	Screw Cap Vial	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid-Bovine Serum Albumin.	Vaccine Vial: 10ml	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid-Rabbit Serum Albumin.	Vaccine Vial: 10ml	05/03/73
Adri/Technam	Barbiturate Standard	Screw-cap vial: 10ml	07/17/76
Adri/Technam	Barbituric Acid Sensitized Red Blood Cells.	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Benzoyl Ecgonine	Screw-cap vial: 10ml	04/18/74
Adri/Technam	Benzoyl Ecgonine Sensitized Red Blood Cells.	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Benzoyl Ecgonine Standard	Screw-cap vial: 10ml	07/17/76
Adri/Technam	Benzoyl Ecgonine-BSA	Vaccine Vial	07/21/75
Adri/Technam	Benzoyl Ecgonine-RSA	Vaccine Vial	07/21/75

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Adri/Technam	CMM-BSA and CMM-RSA (Carboxymethylmorphine Bovine Serum Albumin or Carboxymeth- ylmorphine Rabbit Serum Albumin).	Vaccine Vial: 10ml	05/03/73
Adri/Technam	Cannabuse Cannabidiol Standard	Disks: 25/package	05/03/85
Adri/Technam	Cannabuse Delta 8 THC Carboxylic Acid Standard.	Disks: 25/package	09/19/84
Adri/Technam	Cannabuse Delta 8 THC Carboxylic Acid Standard.	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Carboxylic Acid Standard.	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Carboxylic Acid Standard.	Disks: 25/package	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Standard	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Standard	Disks: 25/package	09/19/84
Adri/Technam	Drug Standards, Acid/ Neutral Mixture A and B.	Disks: 25/package	11/15/85
Adri/Technam	Drug Standards, Basic Mixture A and B	Disks: 25/package	11/15/85
Adri/Technam	Methadone Standard	Screw-cap vial: 10ml	07/17/76
Adri/Technam	Morphine Sensitized Red Blood Cells	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Morphine Standard (in distilled water)	Screw-cap vial: 10ml	07/17/77
Adri/Technam	Tropinecarboxylic Acid (ecgonine)	Screw-cap Bottle: 10ml	05/03/73
Alltech-Applied Science	4-Methylaminorex	Vial: 1 ml	06/16/89
Alltech-Applied Science	6-Acetylcodeine	Vial: 1 ml	06/16/89
Alltech-Applied Science	Benzoylecgonine Tetrahydrate 7.5ug, 50ug, 250ug.	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	Bromazepam	Vial: 1 ml	06/16/89
Alltech-Applied Science	Cyclopentobarbital	Vial: 1 ml	06/16/89
Alltech-Applied Science	GC/MS Benzoylecgonine Calibration Standards Kit.	Kit: 3 vials	02/16/90
Alltech-Applied Science	L-Amphetamine HCl	Vial: 1 ml	06/16/89
Alltech-Applied Science	MDE HCl	Vial: 1 ml	06/16/89
Alltech-Applied Science	Medazepam	Vial: 1 ml	06/16/89
Alltech-Applied Science	Metharbital	Vial: 1 ml	06/16/89
Alltech-Applied Science	N-Ethylamphetamine	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	N-Hydroxy-MDA	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	Normeperidine HCl	Vial: 1 ml	06/16/89
Alltech-Applied Science	Phenmetrazine HCl	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	Talbutal	Vial: 1 ml	06/16/89
Alltech-Applied Science	Thiopental	Vial: 1 ml	06/16/89
Alltech-Applied Science	d3-Benzoylecgonine Tetrahydrate	Amber Ampoule: 5ml	02/16/90
Alltech-Applied Science	l-Methamphetamine HCl	Vial: 1 ml	06/16/89
American Biological Technologies, Inc	Dade Urine Chemistry Control, Level I & II.	Glass Vial: 15ml	04/08/91
American Monitor Corporation	Qualify I	Glass Vial: 10ml	10/09/75
American Monitor Corporation	Qualify II	Glass Vial: 10ml	10/09/75
Amersham Corporation	5 Alpha-Dihydro[1, 2, 4, 5, 6, 7-3H]Testosterone Cat. No. TRK.443.	Vial: 6ml	04/02/91
Amersham Corporation	5 Alpha-Dihydro[1 alpha, 2 alpha(n)-3H] Testosterone Cat. No. TRK.395.	Vial: 6ml	04/02/91
Amersham Corporation	5 Alpha-dihydro[1, 2, 4, 5, 6, 7-3H] Testosterone Reagent 4 T/DHT RIA Kit.	Vial: 1ml	04/11/91
Amersham Corporation	Amerlex T-3 RIA Kit, IM 2000, IM 2001, IM 2004.	Kit: 50 tests, 100 tests, 400 tests	02/18/80
Amersham Corporation	Amerlex T-4 RIA Kit, IM 2010, IM 2011, IM 2014.	Kit: 50 tests, 100 tests, 400 tests	02/06/80
Amersham Corporation	Amerlex-M B-hCG Radioimmunoassay Kit IM 3091, IM 3094.	Kit: 100 tests, 400 tests	06/19/85
Amersham Corporation	Amerlex-M T3 RIA Kit, 1M.3001, 1M.3004	Kit: 100 Tests 400 Tests	08/27/86
Amersham Corporation	Amerlex-M T4 RIA Kit, 1M.3011, 1M.3014	Kit: 100 Tests 400 Tests	08/27/86
Amersham Corporation	Amerlite FSH Assay, Cat. Code LAN.0077, Cat. Code LAN.2077.	Glass vial: 5.8ml, 38.1ml, 240 tests, 144 tests.	05/30/89
Amersham Corporation	Amerlite Rubella Antibody Assay, Cat. Code LAN.0200, Cat. Code LAN.2200.	Glass vial: 5.8ml, 38.1ml, 240 tests, 144 tests.	05/30/89
Amersham Corporation	Amerlite TSH Assay, Cat. Code LAN.0001, Cat. Code LAN.2001.	Glass vial: 5.8ml, 240 tests, 144 tests	05/30/89
Amersham Corporation	Amerlite TT3 Assay: Catalog Code Lan. 0003, Lan. 1003, and Lan.2003.	Kit: 144 tests, 240 tests, 480 tests	11/24/87
Amersham Corporation	Amerlite TT4 Assay: Catalog Code Lan. 0002, Lan. 1002, Lan. 2002.	Kit: 144 tests, 240 tests, 480 tests	11/24/87
Amersham Corporation	Codeine (N-methyl-C14) Hydrochloride	Custom Preparation	03/27/72

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Amersham Corporation	Dihydrotestosterone Standard Reagnet 3 T/DHT RIA Kit.	Vial: 5.5ml	04/11/91
Amersham Corporation	Morphine (N-methyl-C14) Hydrocloride No. CFA–363.	Vial: 0.32 to 1.89mg	03/27/72
Amersham Corporation	Pheno [2–14C] barbital Catalog No. CFA 537.	Vial: 0.39 to 5.85mg	11/05/74
Amersham Corporation	Prolactin RIA Kit, IM 1060, 1061	Kit: 50 tests, 100 tests	03/28/80
Amersham Corporation	T–3 Uptake (MAA) Kit-IM 1020, IM 1021, IM 1024.	Kit: 50 tests, 100 tests, 400 tests	02/05/79
Amersham Corporation	Testosterone Standard Reagent 2 T/DHT RIA Kit.	Vial: 5.5ml	04/11/91
Amersham Corporation	Testosterone-3-(0-carboxymethyl)oximino-(2-[125I] iodohistamine)10uCi, 25uCi Cat. No. IM.128.	Vial: 1.2ml	04/02/91
Amersham Corporation	Testosterone/dihydrotestosterone [3H] assay system Cat. No. TRK-600.	Kit: 200 assays	04/11/91
Amersham Corporation	[1(N)-3H] Hydromorphone TRQ 4729	Vial: 47.5-95 micrograms	07/31/87
Amersham Corporation	[1(n)-3H] Codeine, No. TRK 448	Ampule: 0.002mg to 0.015mg	02/26/74
Amersham Corporation	[1(n)-3H]Morphine, No. TRK-447	Vial: 0.002 mg to 0.015 mg	02/26/74
Amersham Corporation	[1, 2, 6, 7-3H] Testosterone Cat. No. TRK.402.	Vial: 6ml	04/02/91
Amersham Corporation	[1, 7, 8(n)-3H]Dihydromorphine, No. TRK-450.	Vial: 0.0008 mg to 0.008 mg	02/26/74
Amersham Corporation	[15, 16(n)-3H] Etorphine, Catalog No. TRK 476.	Vial: 3.45 to 6.9 micrograms	11/19/74
Amersham Corporation	[15, 16(n)-3H] Etorphine Catalog No. TRK 476.	Vial: 13.8 to 27.6 micrograms	02/17/75
Amersham Corporation	[17 alpha-methyl-3H] Mibolerone Cat. No. TRK.764.	Vial: 6ml	04/02/91
Amersham Corporation	[2(n)-3H] Lysergic Acid Diethylamide, No. TRK. 461.	Vial: 0.003mg to 0.04mg	05/22/74
Amersham Corporation	[2-14C] Diazepam Catalog No. CFA.591	Multidose Glass Vial: 56mm x 25mm	09/28/77
Amersham Corporation	[3H]11-Ketotestosterone Cat. No. TRQ.5919.	Vial: 5.7ml	06/13/91
Amersham Corporation	[4-14C] Testosterone 50uCi, 250uCi Cat. No. CFA.129.	Vial: 6ml	04/02/91
Amersham Corporation	[N-methyl-3H] Diazepam Catalog Code: TRK.572.	Multidose Glass Vial: 56mm x 25mm	09/28/77
Analytical Control Systems, Inc	Benchmark I TDM Control 1L, 2M, 3H	Plastic Vial: 5ml per Vial; 1-120 Vials per Bag.	10/02/91
Applied Science Laboratories	6-Monoacetylmorphine HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	Allylisobutylbarbituric Acid	Vial: 1ml	01/24/73
Applied Science Laboratories	Alphaprodine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Alphenal	Vial: 1ml	01/24/73
Applied Science Laboratories	Alprazolam	Vial: 1ml	04/16/85
Applied Science Laboratories	Amobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Amphetamine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Aprobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Barbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Barbiturates, Mixture 4	Vial: 10ml	10/04/72
Applied Science Laboratories	Benzoylecgonine Tetrahydrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Benzphetamine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Butabarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Butethal	Vial: 1ml	01/24/73
Applied Science Laboratories	Cannabidiol	Vial: 1 ml	03/30/88
Applied Science Laboratories	Cannabinol	Vial: 1 ml	03/30/88
Applied Science Laboratories	Chloral Hydrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Chlordiazepoxide HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Clonazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Clorazepate Dipotassium	Vial: 1ml	04/16/85
Applied Science Laboratories	Cocaine	Vial: 1ml	01/24/73
Applied Science Laboratories	Codeine	Vial: 1ml	01/24/73
Applied Science Laboratories	Delta-8-Tetrahydro-cannabinol	Vial: 1 ml	03/30/88
Applied Science Laboratories	Delta-9-Tetrahydrocannabinol	Vial: 1ml	04/16/85
Applied Science Laboratories	Depressants, Mixture 3	Vial: 10ml	10/04/72
Applied Science Laboratories	Dextropropoxyphene HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Diacetylmorphine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Diallybarbituric acid	Vial: 1ml	01/24/73
Applied Science Laboratories	Diazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Diethylpropion HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Dihydrocodeine	Vial: 1ml	04/16/85
Applied Science Laboratories	Dimethyltryptamine	Vial: 1ml	04/16/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Applied Science Laboratories	Drug Mix Four	Ampoule: 1 ml	11/03/86
Applied Science Laboratories	Drug Mix One	Ampoule: 1 ml	10/21/86
Applied Science Laboratories	Drug Mix Three	Ampoule: 1 ml	11/03/86
Applied Science Laboratories	Drug Mix Two	Ampoule: 1 ml	10/21/86
Applied Science Laboratories	Ecgonine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Ecgonine Methyl Ester HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	Ethchlorvynol	Vial: 1ml	01/24/73
Applied Science Laboratories	Ethinamate	Vial: 1ml	01/24/73
Applied Science Laboratories	Ethylmorphine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Fenfluramine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Fentanyl	Vial: 1ml	04/16/85
Applied Science Laboratories	Flurazepam HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Glutethimide	Vial: 1ml	01/24/73
Applied Science Laboratories	Halazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Hexobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Hydrocodone Bitartrate	Vial: 1ml	01/24/73
Applied Science Laboratories	Hydromorphone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Levorphanol Tartrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Lorazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Lysergic Acid	Vial: 1ml	04/16/85
Applied Science Laboratories	Lysergic Acid N-(methylpropyl) amide	Vial: 1ml	04/16/85
Applied Science Laboratories	Lysergic Acid diethylamide	Vial: 1ml	04/16/85
Applied Science Laboratories	MDA HCl	Vial: 1ml	03/30/88
Applied Science Laboratories	MDMA HCl	Vial: 1ml	03/30/88
Applied Science Laboratories	Meperidine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Mephobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Meprobamate	Vial: 1ml	01/24/73
Applied Science Laboratories	Mescaline	Vial: 1ml	01/24/73
Applied Science Laboratories	Methadone HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Methamphetamine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Methaqualone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Methohexital	Vial: 1ml	04/16/85
Applied Science Laboratories	Methylphenidate	Vial: 1ml	01/24/73
Applied Science Laboratories	Methyprylon	Vial: 1ml	04/16/85
Applied Science Laboratories	Mixture 1-Opiates	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 2-Stimulants	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 3-Depressants	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 4-Barbiturates	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 5-Kit of Representatives	Vial: 1ml	10/04/72
Applied Science Laboratories	Morphine	Vial: 1ml	01/24/73
Applied Science Laboratories	Nalorphine	Vial: 1ml	01/24/73
Applied Science Laboratories	Nitrazepam	Vial: 1ml	03/30/88
Applied Science Laboratories	Norcodeine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Nordiazepam	Vial: 1ml	03/30/88
Applied Science Laboratories	Normorphine	Vial: 1ml	04/16/85
Applied Science Laboratories	Opiates, Mixture 1	Vial: 10ml	10/04/72
Applied Science Laboratories	Oxazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Oxycodone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Oxymorphone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Paraldehyde	Vial: 1ml	04/16/85
Applied Science Laboratories	Pemoline	Vial: 1ml	04/16/85
Applied Science Laboratories	Pentazocine	Vial: 1ml	04/16/85
Applied Science Laboratories	Pentazocine HBr	Vial: 1ml	01/24/73
Applied Science Laboratories	Pentobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Phencyclidine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Phendimetrazine Bitartrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Phenobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Phentermine	Vial: 1ml	04/16/85
Applied Science Laboratories	Prazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Propylbenzoyl-ecgonine	Vial: 1ml	03/30/88
Applied Science Laboratories	Psilocybin	Vial: 1ml	04/16/85
Applied Science Laboratories	Psilocyn	Vial: 1ml	11/06/87
Applied Science Laboratories	Secobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Stimulants, Mixture 2	Vial: 10ml	10/04/72
Applied Science Laboratories	Temazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Thebaine	Vial: 1ml	01/24/73
Applied Science Laboratories	Thiamylal	Vial: 1ml	01/24/73
Applied Science Laboratories	Toxi Clean Test Mix	Vial: 1ml	03/30/88
Applied Science Laboratories	Triazolam	Vial: 1ml	04/16/85
Armed Forces Institute of Pathology	11-nor-9-carboxy-delta 8-THC in Ethanol Ampules.	Glass Ampule: 1mg/ml, 1ml, 5ml, 10ml	01/25/82
Astral Medical Systems	Barbital Buffer	Plastic bag: 12.2g/bag	05/01/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Astral Medical Systems	Barbital Lactate Buffer	Plastic bag: 18g/bag	05/01/85
Astral Medical Systems	Isoenzyme Buffer	Plastic bag: 14g/bag	05/01/85
Astral Medical Systems	Tris-Barbital Sodium Barbital Buffer	Plastic bag: 18g/bag	05/01/85
Atochem North America, Inc	M&T NiproTeq SB Additive	Polypropylene Containers: 5 gallons, 55 gallons.	03/10/88
BHP Diagnostix, Inc	Kallestad TDM Multi-Calibrator-Pilot Lot B-G.	Kit: 7-3ml Vials; 3ml Vial	08/18/88
BHP Diagnostix, Inc	Kallestad TDM Multi-Calibrator-Pilot-Lot Phenobarbital.	3ml, 6ml, 10ml, 30ml, 50ml Vial	08/18/88
BHP Diagnostix, Inc	Kodak Ektachem-DT Calibrator	Bottle: 6ml	01/05/85
Baxter Diagnostics Inc	(125I) Human TSH Tracer, Cat. No. CA-2623.	Vial: 15ml	12/07/89
Baxter Diagnostics Inc	Absorbed Plasma and Serum Reagents Kit B4233-2.	Glass Vial: 5ml (Lyophilized Material)	08/16/71
Baxter Diagnostics Inc	Bovine Chemistry Control I.X Special Order Request B5107-55XX.	Bottle: 18ml (Lyophilized Material)	01/29/86
Baxter Diagnostics Inc	Bovine Chemistry Control II.X Special Order Request B5107-65XX.	Bottle: 18ml (Lyophilized Material)	01/29/86
Baxter Diagnostics Inc	Buffered Thrombin (Bovine) Catalog No. B4233-40.	Bottle: 5ml (Lyophilized Material)	01/24/86
Baxter Diagnostics Inc	Dade IAC.X Comprehensive Immuno-Assay Control, Tri-Level Unassayed.	Kit: 6 bottles	08/27/91
Baxter Diagnostics Inc	Dade Immunoassay Control, Level I-Low	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc	Dade Immunoassay Control, Level II-Intermediate.	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc	Dade Immunoassay Control, Level III-High.	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc	Dade Immunoassay Controls, Tri-Level	Kit: 3 bottles	04/25/86
Baxter Diagnostics Inc	Dade TDM Control Level I-Low B5700-2	Glass Vial: 9ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc	Dade TDM Control Level II-Intermediate B5700-3.	Glass Vial: 9ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc	Dade TDM Control Level III-High B5700-4	Glass Vial: 9ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc	Dade Therapeutic Drug Monitoring (TDM) Controls (Catalog No. B5700-1).	Kit: 9 Vials	03/10/87
Baxter Diagnostics Inc	Dade Urine Chemistry Control Level I, II	Kit: 10 Bottles; Bottle: 18ml	08/02/91
Baxter Diagnostics Inc	Data-Fi Euglobulin Lysis Set Cat. No. B4233-40.	Kit: 70 Tests	09/09/86
Baxter Diagnostics Inc	Data-Fi Fibrin Monomer Control Catalog Nos. B4233-30 & B4233-38.	Glass Vial: 5ml (Lyophilized Material)	01/24/86
Baxter Diagnostics Inc	Data-Fi Fibrinogen Determination Reagents Cat. No. B4233-15.	Kit: 50 tests	09/09/86
Baxter Diagnostics Inc	Data-Fi Protamine Sulfate Reagents Kit (Catalog No. B4233-30).	Kit: 10 Vials	03/10/87
Baxter Diagnostics Inc	Data-Fi Thrombin Reagent	Bottle: 5ml (Lyophilized Material) Vial: 9ml Carton: 10 vials, Cat. No. 28 10 09.	05/18/81
Baxter Diagnostics Inc	Data-Fi Thrombin Reagent	Bottle: 9 ml (Lyophilized Material)	07/20/83
Baxter Diagnostics Inc	EXCEL-QC Level 1 Serum Chemistry Control.	Botttle: 18ml	08/04/93
Baxter Diagnostics Inc	EXCEL-QC Level 1 and Level 2 Serum Chemistry Control and Carbonate Diluent 1 and 2.	Kit: 12 Bottles	08/04/93
Baxter Diagnostics Inc	EXCEL-QC Level 2 Serum Chemistry Control.	Bottle: 18ml	08/04/93
Baxter Diagnostics Inc	Immunoassay Control Level I-III Unassayed.	Bottle: 9ml	08/27/91
Baxter Diagnostics Inc	Moni-Trol Level I Chemistry Control, Assayed, Special Order Request. B5103-XXX.	Bottle: 9ml (Lyophilized Material)	01/20/84
Baxter Diagnostics Inc	Moni-Trol Level I.X Special Order Request B5106-5X.	Bottle: 18ml (Lyophilized Material)	06/30/83
Baxter Diagnostics Inc	Moni-Trol Level II Chemistry Control, Assayed, Special Order Request. B5103-XXX, B5113-XXX.	Bottle: 9ml (Lyophilized Material)	01/20/84
Baxter Diagnostics Inc	Moni-Trol Level II.X Special Order Request B5106-6X.	Bottle: 18ml (Lyophilized Material)	06/30/83
Baxter Diagnostics Inc	Moni-Trol. ES Level I Chemistry Control, Assayed.	Bottles: 9ml, 6.7ml (Lyophilized Material)	07/15/83
Baxter Diagnostics Inc	Moni-Trol. ES Level I.X Special Order Request Catalog No. B5106-75AAA Catalog No. B5106-1XAAA.	Bottle: 18ml, 9ml (Lyophilized Material)	06/27/86
Baxter Diagnostics Inc	Moni-Trol. ES Level II Chemistry Control, Assayed.	Bottle: 9ml, 6.7ml (Lyophilized Material)	07/15/83

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Baxter Diagnostics Inc	Moni-Trol. ES Level II.X Special Order Request Catalog No. B5106-85AAA Catalog No. B5106-2XAAA.	Bottle: 18ml, 9ml (Lyophilized Material)	06/27/86
Baxter Diagnostics Inc	Owren's Veronal Buffer	Bottle: 18ml	08/16/71
Baxter Diagnostics Inc	Paramax Phenobarbital Calibrator I, II, III, Cat. # B-6109-11.	Kit: 6 Glass Bottles; 6ml each	07/07/93
Baxter Diagnostics Inc	Paramax Phenobarbital Calibrator Level II	Glass Bottle: 6ml	07/07/93
Baxter Diagnostics Inc	Paramax Phenobarbital Calibrator Level III.	Glass Bottle: 6ml	07/07/93
Baxter Diagnostics Inc	Stratus Phenobarbital Calibrators B, C, D, E, & F.	Glass Vial: 3ml	06/27/83
Baxter Diagnostics Inc	Stratus Phenobarbital Conjugate	Glass Vial: 6ml	01/25/82
Baxter Diagnostics Inc	Stratus Phenobarbital Fluorometric Enzyme Immunoassay Kit (Catalog No. B5700-22).	Kit: 120 tests	03/10/87
Baxter Diagnostics Inc	Thrombin Reagent (Bovine)	Bottle: 5ml (Lyophilized Material) Vial: 5ml Carton: 10 vials, Cat. No. 28 10 12.	08/16/71
Baxter Diagnostics, Inc	Status Estradiol Antibody Solution	Vial: 33.5ml	03/12/93
Baxter Diagnostics, Inc	Status Estradiol Conjugate	Vial: 8ml	03/12/93
Beckman Instruments, Inc	Beckman B-1 Buffer	Plastic Vial: 15 g.	05/22/79
Beckman Instruments, Inc	Beckman Buffer B-2	Packet: 18.16 g.	04/24/71
Beckman Instruments, Inc	Beckman ICS Drug Calibrators A, B, C, D, and E.	Vials: 5ml	10/29/80
Beckman Instruments, Inc	Beckman ICS Drug Control Sera	Kit containing: 6-1ml bottles.	11/11/80
Beckman Instruments, Inc	Beckman ICS Phenobarbital Conjugate	Vial: 5ml	10/29/80
Beckman Instruments, Inc	Beckman LD Buffer	Bottle: 14.3 grams	07/31/86
Beckman Instruments, Inc	Beckman LD Buffer	Bottle: 14.3 grams	07/31/86
Beckman Instruments, Inc	Paragon Electrophoresis System: Alkaline Phosphatase Isoenzyme Electrophoresis (Isopal) Kit.	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Paragon Electrophoresis System: High Resolution Electrophoresis (HRE) Kit.	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Paragon Electrophoresis System: Immunoelectrophoresis (IEP) Kit.	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Paragon Electrophoresis System: Immunofixation Electrophoresis (IFE) Kit.	Plastic Tray: 3.5ml	07/31/86
Beckman Instruments, Inc	Paragon Electrophoresis System: Lactate Dehydrogenase Isoenzyme Electrophoresis (LD) Kit.	Plastic Tray: 3.5ml	07/31/86
Beckman Instruments, Inc	Paragon Electrophoresis System: Lipoprotein Electrophoresis (LIPO) Kit.	Plastic Tray: 3.5 ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Paragon Electrophoresis System: Protein Electrophoresis (SPE-II) Kit.	Plastic Tray: 3.5ml	07/31/86
Beckman Instruments, Inc	Paragon Electrophoresis System: Serum Protein Electrophoresis (SPE) Kit.	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Synchron Control: Multilevel Comprehensive Chemistry Control Serum Levels I, II, III.	Plastic Bottle: 20ml; Kit: 6 bottles	05/13/91
Beckman Instruments, Inc	Triad LINK Comprehensive Custom Unassayed Chemistry Control Serum Levels I, II, III.	Plastic Bottle: 20ml; Box: 20 Bottles	05/13/91
Beckman Instruments, Inc	Triad NYSPATH Comprehensive Custom Unassayed Chemistry Control Serum Levels I, II, III.	Plastic Bottle: 20ml; Box 20 Bottles	05/13/91
Beckman Instruments, Inc	Vigil PRx Multilevel Protein/Drug Control Serum Levels I, II, III.	Plastic Bottle: 10ml; Kit: 6 Bottles	05/13/91
Becton Dickinson & Company	IQ Immunochemistry System, Thyroid Stimulating Hormone Catalog No. 3010.	Kit: 25 tests	06/30/87
Becton Dickinson & Company	Neonatal T4 Tracer, Catalog #264015	Bottle: 125ml	01/15/92
Becton Dickinson & Company	T3 Tracer Solution Catalog No. 237728	Bottle: 125ml	09/27/78
Becton Dickinson & Company	TSH [125I] Tracer, Catalog No. 259624	Clear vial: 10ml	09/04/86
Behring Diagnostics	IEP Buffer, 793001 pH 8.2	Foil Pouch: 6.5 g.	09/17/79
Behring Diagnostics	Immuno-tec II Agarose Plate, 839013, 850013.	Foil Pouch: 5.35" x 5.25"	09/17/79
Bio-Metric Systems, Incorporated	Cocaine-Enzyme Conjugate	Vial: 250ml, 100ml, 50ml	07/07/92
Bio-Metric Systems, Incorporated	Cocaine-ImmunoPrime Modified Carrier	Vial: 50ml, 10ml	07/07/92
Bio-Metric Systems, Incorporated	Morphine-Enzyme Conjugate	Vial: 250ml, 100ml, 50ml	07/07/92
Bio-Metric Systems, Incorporated	Morphine-ImmunoPrime Modified Carrier	Vial: 50ml, 10ml	07/07/92
Bio-Metric Systems, Incorporated	Phencyclidine-Enzyme Conjugate	Vial: 250ml, 100ml, 50ml	07/07/92
Bio-Metric Systems, Incorporated	Phencyclidine-ImmunoPrime Modified Carrier.	Vial: 50ml, 10ml	07/07/92

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Bio-Metric Systems, Incorporated	Tetrahydrocannabinol-Enzyme Conjugate	Vial: 250ml, 100ml, 50ml	07/07/92
Bio-Metric Systems, Incorporated	Tetrahydrocannabinol-ImmunoPrime Carrier.	Vial: 50ml, 10ml	07/07/92
Bio-Rad Laboratories	Benzodiazepines/Tricyclic Antidepressants by HPLC.	Kit: 100 tests	02/08/90
Bio-Rad Laboratories	CoTube Estradiol Tracer	Glass Bottle: 125ml	07/28/93
Bio-Rad Laboratories	Dade Urine Chemistry Control Levels I AND II.	Vial: 20ml, 50ml	01/05/88
Bio-Rad Laboratories	Dade Urine Toxiology Control	Vial: 50ml	01/05/88
Bio-Rad Laboratories	Internal Standard	Amber vial: 30ml Flask: 200ml-2000ml	02/08/90
Bio-Rad Laboratories	Lypochek Immunoassay Control Levels I, II, III.	Vial: 10ml	09/24/87
Bio-Rad Laboratories	Lypochek Quantitative Urine Control Levels I and II.	Vial: 20ml, 50ml	09/24/87
Bio-Rad Laboratories	Lypochek Therapeutic Drug Monitoring Control (TDM), Levels I, II, III.	Vial: 10ml	08/20/84
Bio-Rad Laboratories	Lypochek Unassayed Chemistry Control (Bovine) Levels I, II.	Vial: 20 ml	09/24/87
Bio-Rad Laboratories	Lypochek Unassayed Chemistry Control (Human) Levels I, II.	Vial: 20 ml	09/24/87
Bio-Rad Laboratories	Methadone/Methadone Metabolite Reagent Kit.	400 tests	09/17/90
Bio-Rad Laboratories	Quantaphase Thyroxine RIA-125I Tracer/ Dissociating Reagent.	Plastic bottle: 60ml, 260ml	05/06/81
Bio-Rad Laboratories	Quantaphase Thyroxine RIA-Thyroxine Immunobeads.	Plastic bottle: 60ml, 260ml	05/06/81
Bio-Rad Laboratories	Quantimune Barbital Buffer	Plastic Bottle: 1000ml, 250ml, 200ml	05/31/78
Bio-Rad Laboratories	Quantimune Radioimmunoassay T-4 Tracer, Iodine-125.	Vial: 10 ml	07/21/76
Bio-Rad Laboratories	Quantimune T-3 RIA Barbital Buffer	Bottle: 220ml	09/24/82
Bio-Rad Laboratories	Quantimune T-3 RIA Test Kit	Kit: 500 tests, 100 tests	05/31/78
Bio-Rad Laboratories	Quantimune T-4 RIA Kit	Kit: 500 tests	07/01/77
Bio-Rad Laboratories	Quantimune T-4 RIA Test Kit	Kit: 5000 tests, 100 tests	05/31/78
Bio-Rad Laboratories	Quantimune Thyroxine Radioimmunoassay Barbital Buffer.	Plastic Bottle with Screw cap: 1 liter	07/01/77
Bio-Rad Laboratories	Quantimune Thyroxine Radioimmunoassay T-4 125I Tracer/ Dissociating Agent.	Glass Serum Vial: 10 ml	07/01/77
Bio-Rad Laboratories	REMEDI DPS Check Mix	Vial: 20ml, Flask: 1L-10L	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard Combination.	Vial: 20ml, Flask: 250ml-6000ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard One	Vial: 20ml, Flask: 250ml-2500ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard Two	Vial: 20ml, Flask: 250ml-5000ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Urine Calibrator	Vial: 20ml, Flask: 1L-10L	09/17/90
Bio-Rad Laboratories	Serum Calibrator 1	Amber vial: 20ml Polypropylene container: 20L.	02/08/90
Bio-Rad Laboratories	Serum Calibrator 2	Amber vial: 20ml Polypropylene container: 20L.	02/08/90
Bio-Rad Laboratories	Serum Calibrator for Benzodiazepines/ Tricyclics, Contains 2.	Box: 2 vials	02/08/90
Bio-Rad Laboratories	T-4 Competitive Binding Reagent, Iodine-125.	Bottle: 385ml	07/21/76
Bio-Rad Laboratories	Urine Toxicology Control No. C-470-25	Amber Vial: 50ml	09/19/79
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer	Vial: 10ml	07/21/76
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer Powder	Plastic bottle: 250ml	07/21/76
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer Powder	Plastic bottle: 250 ml	09/09/77
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer-Dry Pack	Packages: 9.11 g., 18.21 g., 12.14 g.	05/09/74
Bio-Rad Laboratories, (Chemical Division)	Bio-Rad Electrophoresis Buffer	Bottle: 500ml	12/14/72
Bio-Rad Laboratories, (Chemical Division)	Electrophoresis Buffer, Dry-Pack	Package: ; 6.15 g.	12/14/72
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer I, pH 8.6.	Dry-pack: ; 25.6 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer II, pH 8.6.	Dry-pack: ; 15.61 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer III, pH 8.6.	Dry-pack: ; 6.82 g.	01/22/76
Bio-Rad Laboratories, (Chemical Division)	Immunoelectrophoresis Barbital Buffer III-a, pH 8.8.	Dry-pack: ; 15.07 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Reagent No. 3	Bottle: 165ml	12/14/72
Bio-Rad Laboratories, (Clinical Division)	Benzodiazepines/Tricyclics/Plasma Catecholamines (BZ/TCA/pCats) Serum Calibrators Bulk Preparations.	Polypropylene Container: 15L - 100L	03/28/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Bio-Rad Laboratories, (Clinical Division)	Plasma Catecholamines by HPLC, 100 Test.	Kit: 100 Test	03/28/91
Bio-Rad Laboratories, (Clinical Division)	Plasma Catecholamines by HPLC, Serum Calibrator Set, 1x6 vials.	Vial: 20ml; Set: 6 vials	03/28/91
Bio-Rad Laboratories, (ECS Division)	Benzo/TCA Control Levels I & II	Vial: 10ml; Box: 6 vials	03/20/91
Bio-Rad Laboratories, (ECS Division)	Blind Performance Specimen Set Cat. #610.	Kit: 5 bottles	09/14/90
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Assayed Chemistry Control Serum (Human) Levels I and II.	Vials: 10ml each	04/13/88
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Immunoassay Plus Control Serum Levels 1-3.	Vial: 10ml; Kit: 12 vials	09/14/90
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Urine Toxicology Control-Confirm.	Box: 10 vials; Vial: 50ml	09/14/91
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Urine Toxicology Control-Law.	Vials: 20ml each	64/13/88
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Urine Toxicology Control-Screen.	Box: 10 vials; Vial: 20ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Amphetamines	Bottle: 90ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Cocaine	Bottle: 90ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Marihuana	Bottle: 90ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Opiates	Bottle: 90ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Phencyclidine	Bottle: 90ml	09/14/90
Biodiagnostic International	Liqui-Ura Toxic Control	Vial: 5ml	03/11/85
Bioscientific Corp	ECA Buffer, Catalog No. ECA 05805	Plastic Packet: 18.0 g., 10 packets per box.	07/14/77
Bioscientific Corp/ECA	Agarose Barbital Buffer CSB 470182	Vial: 7 drams	11/15/90
Bioscientific Corp/ECA	Agarose Barbital Buffer ECA 470182	Vial: 12 drams; Box: 3 vials	11/15/90
Bioscientific Corp/ECA	Agarose Barbital-EDTA Buffer ECA 470180.	Vial: 12 drams, Box: 3 vials	11/15/90
Bioscientific Corp/ECA	ECA Buffer ECA 0320024	Vial: 12 drams, Box: 12 vials	11/15/90
Bioscientific Corp/ECA	General Procedure Agarose Film #ECA 470100.	Plastic Tray 4.5″x5″, Kit: 10 trays	09/10/90
Bioscientific Corp/ECA	LD Agarose Gel #CSB 102	Plastic Tray: 3″x5″, Kit: 10 trays	09/10/90
Bioscientific Corp/ECA	Protein Agarose Gel #PSB 103	Plastic Tray 3″x5″, Kit: 10 trays	09/10/90
Biosite Diagnostics	Alprazolam Stock Solution, 31366	Vial: 2ml	05/26/92
Biosite Diagnostics	Alprazolam Threshold Control Calibrators 2-6; 31446-31450.	Flask: 250ml	05/26/92
Biosite Diagnostics	Amphetamine Enzyme Conjugate 31111, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Amphetamine QC Control	Vial: 5ml	10/29/91
Biosite Diagnostics	Amphetamine QC Control (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	Barbiturate Conjugate	Plastic Bottles: 2ml - 60 ml	11/30/90
Biosite Diagnostics	Barbiturate Derivative	Vial: 8, 16, 32 ml	11/30/90
Biosite Diagnostics	Barbiturate Enzyme Conjugate 31110, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Barbiturate QC Control	Vial: 5ml	10/29/91
Biosite Diagnostics	Barbiturate QC Control (Bulk)	Bottle: 5L - 10L	10/29/91
Biosite Diagnostics	Barbiturate Threshold Control Calibrators 2-6; 31356-31360.	Flask: 250ml	05/26/92
Biosite Diagnostics	Benzodiazepine Controls, 1-6 31088-31093, 7-11 31098-31102, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/91
Biosite Diagnostics	Benzodiazepine QC Control 3	Vial: 5ml	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 1	Vial: 5ml	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 1 (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 2	Vial: 5ml	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 2 (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 3 (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	Benzoylecgonine Conjugate	Plastic Bottles: 2ml - 60 ml	11/30/90
Biosite Diagnostics	Benzoylecgonine Conjugate II, III, IV, & V	Vial: 1.5ml	03/14/91
Biosite Diagnostics	Benzoylecgonine Conjugate II, III, IV, & V Bulk.	Bottle: 5, 15, 30 & 60 ml	03/14/91
Biosite Diagnostics	Benzoylecgonine Controls, 1-5 31041-31045, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Benzoylecgonine Enzyme Conjugate 31105, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Benzoylecgonine Enzyme Conjugate II	Vial: 1.5ml	03/14/91
Biosite Diagnostics	Benzoylecgonine Standards, 1-6 31035-31040, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Benzoylecgonine Stock Solution, 31322	Vial: 2ml	05/26/92
Biosite Diagnostics	Benzoylecgonine Threshold Control Calibrators 2-6; 31341-31345.	Flask: 250ml	05/26/92

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Biosite Diagnostics	Cocaine QC Control	Vial: 5ml	10/29/91
Biosite Diagnostics	Cocaine QC Control (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	Conjugate Beads (Bulk)	Bottles: 250ml - 1L	11/30/90
Biosite Diagnostics	D-Amphetamine Stock Solution, 31323	Vial: 2ml	05/26/92
Biosite Diagnostics	D-Amphetamine Threshold Control Calibrator, 31376.	Flask: 250ml	05/26/92
Biosite Diagnostics	D-Methamphetamine Stock Solution, 31324.	Vial: 2ml	05/26/92
Biosite Diagnostics	D-Methamphetamine Threshold Control Calibrator, 31381.	Flask: 250 ml	05/26/92
Biosite Diagnostics	Estazolam TTC Stock Solution	Vial: 1ml	11/09/93
Biosite Diagnostics	Estazolam Threshold Control Calibrators 2-6.	Vial: .25-1ml	11/09/93
Biosite Diagnostics	Estazolam Threshold Control Calibrators 2-6 Bulk Formulation.	Vial: 5-20ml	11/09/93
Biosite Diagnostics	Flurazepam Enzyme Conjugate 31109, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Flurazepam Standards, 1-7 31081-31087, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Intervention Conjugate (Bulk)	Bottled/Flask: .1L-4L	11/09/93
Biosite Diagnostics	Labeled Conjugate Mixture 4	Bottles: 10ml - 1L	10/29/91
Biosite Diagnostics	Labeled Conjugate Mixture 5	Bottles: 10ml - 1L	10/29/91
Biosite Diagnostics	Labeled Conjugate Mixture 7	Bottle: 20L, 10L, 5L, 1L	12/22/92
Biosite Diagnostics	Labelled Barbiturate Conjugate	Plastic Bottles: 0.5, 1, 2 & 5 L	11/30/90
Biosite Diagnostics	Labelled Benzoylecgonine Conjugate	Plastic Bottles: 0.5, 1, 2 & 5 L	11/30/90
Biosite Diagnostics	Labelled Conjugate Mixture 1	Plastic Bottles: 10ml - 1L	11/30/90
Biosite Diagnostics	Labelled Conjugate Mixture 2	Plastic Bottles: 10ml- 1L	11/30/90
Biosite Diagnostics	Labelled Morphine Conjugate	Plastic Bottles: 0.5, 1, 2 & 5 L	11/30/90
Biosite Diagnostics	Labelled THC Conjugate	Plastic Bottles: 10ml - 1L	11/30/90
Biosite Diagnostics	Lorazepam Enzyme Conjugate 31108, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Lorazepam Standards, 1-4 31094-31097, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Lormetazepam Stock Solution	Vial: 1ml	11/09/93
Biosite Diagnostics	Methadone Control	Vial: 2ml	12/22/92
Biosite Diagnostics	Methadone Standards 1-6	Vial: 2ml, 50ml	12/22/92
Biosite Diagnostics	Methadone Stock Solution	Vial: 2ml, 50ml	12/22/92
Biosite Diagnostics	Methamphetamine Enzyme Conjugate 31104, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Methamphetamine QC Control	Vial: 5ml	10/29/91
Biosite Diagnostics	Methamphetamine QC Control (Bulk)	Bottle: 5L - 10L	10/29/91
Biosite Diagnostics	Morphine Conjugate	Plastic Bottles: 2ml - 60 ml	11/30/90
Biosite Diagnostics	Morphine Control 3	Vial: 2ml, 50ml	12/22/92
Biosite Diagnostics	Morphine Controls, 1-5 31076-31080, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Morphine Enzyme Conjugate 31107, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Morphine Standard 6, 31220 Bulk Formulation.	Vial: 1.5ml, 5-20ml; Flask: 20-50ml	03/14/91
Biosite Diagnostics	Morphine Standards, 1-5 31071-31075, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Morphine Stock Solution, 31325	Vial: 2ml	05/26/92
Biosite Diagnostics	Opiate QC Control	Vial: 5ml	10/29/91
Biosite Diagnostics	Opiate QC Control (Bulk)	Bottle: 05.L - 10L	10/29/91
Biosite Diagnostics	Opiate Threshold Control Calibrators 2-6; 31346-31350.	Flask: 250ml	05/26/92
Biosite Diagnostics	PCP QC Control	Vial: 5ml	10/29/91
Biosite Diagnostics	PCP QC Control (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	Phencyclidine Control 7 Bulk Formulation	Vial: 5-20ml	11/09/93
Biosite Diagnostics	Phencyclidine Controls 5 -6, 31255-31256 Bulk Formulation.	Vial: 1.5ml, 5-20ml; Flask: 20-50ml	03/14/91
Biosite Diagnostics	Phencyclidine Controls, 1-4 31010-31013, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Phencyclidine Enzyme Conjugate 31103, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	Phencyclidine Standard 7	Vial: .25-1ml	11/09/93
Biosite Diagnostics	Phencyclidine Standards 1-4 31006-31009, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Phencyclidine Standards 5-6, 31253-31254 Bulk Formulation.	Vial: 1.5ml, 5-20 ml; Flask: 20-50ml	03/14/91
Biosite Diagnostics	Phencyclidine Stock Solution, 31321	Vial: 2ml	05/26/92

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Biosite Diagnostics	Phencyclidine Threshold Control Calibrators 2-6; 31366-31370.	Flask: 250ml	05/26/92
Biosite Diagnostics	Phenobarbital Controls, 1-8 31063-31070, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Phenobarbital Standards, 1-8 31055-31062, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	Secobarbital Stock Solution, 31326	Vial: 2ml	05/26/92
Biosite Diagnostics	TCA Conjugate (Bulk)	Bottled/Flask: .1L-4L	11/09/93
Biosite Diagnostics	TCA Conjugate Beads	Bottle: .25L, .5L, 1L	11/09/93
Biosite Diagnostics	THC Conjugate	Plastic Bottles: 2ml - 60 ml	11/30/90
Biosite Diagnostics	THC Controls, 1-3 31052-31054, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	THC Enzyme Conjugate 31106, Bulk Formulation.	Vial: 100ml, 1.5ml	10/24/90
Biosite Diagnostics	THC QC Control	Vial: 5ml	10/29/91
Biosite Diagnostics	THC QC Control (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	THC Standards, 1-6 31046-31051, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	THC Standards, 7-9	Vial: .25-1ml	11/09/93
Biosite Diagnostics	THC Standards, 7-9 Bulk Formulation	Vial: 5-20ml	11/09/93
Biosite Diagnostics	THC Threshold Control Calibrators 2-6; 31371-31375.	Flask: 250ml	05/26/92
Biosite Diagnostics	Temazepam Stock Solution, 31337	Vial: 2ml	05/26/92
Biosite Diagnostics	Temazepam Threshold Control Calibrators 2-6; 31451-31455.	Flask: 250ml	05/26/92
Biosite Diagnostics	Threshold Control A & B	Vial: 5ml	10/29/91
Biosite Diagnostics	Threshold Control A & B (Bulk)	Bottle: 1L - 20L	10/29/91
Biosite Diagnostics	Threshold Controls C, D, E, F, G, H	Vial: 3.5-5ml	11/09/93
Biosite Diagnostics	Thresholds C, D, E, F, G, H Bulk Solution	Bottle: 1-5ml	11/09/93
Biosite Diagnostics	Triage 6 Panel for Drugs of Abuse	Box: 10, 25 cassettes	10/05/92
Biosite Diagnostics	Triage DOA Demo Control	Vial: 5ml	10/29/91
Biosite Diagnostics	Triage DOA Demo Control (Bulk)	Bottle: 0.5L - 10L	10/29/91
Biosite Diagnostics	Triage Drug Screen Control	Vial: 5ml	10/29/91
Biosite Diagnostics	Triage Drug Screen Control (Bulk)	Bottle: 0.5 - 20L	10/29/91
Biosite Diagnostics	Triage Intervention Conjugate Beads	Bottle: .25L, .5L, 1L	11/09/93
Biosite Diagnostics	Triage Intervention Panel for Drugs of Abuse.	Box: 10, 25 Pouches	11/09/93
Biosite Diagnostics	Triage Intervention Test Device	Pouch: 1 each	11/09/93
Biosite Diagnostics	Triage Panel for Drugs of Abuse	Box: 10, 25 cassettes	11/30/90
Biosite Diagnostics	Triage Panel for Drugs of Abuse Plus Tricyclic Antidepressants.	Box: 10, 25 Pouches	11/09/93
Biosite Diagnostics	Triage Panel for Drugs of Abuse plus Tricyclic Antidepressants, Cat#92000.	Kit: 25 Tests	11/01/93
Biosite Diagnostics	Triage Panel for Drugs of Abuse plus Tricyclic Antidepressants, Cat#92010.	Kit: 10 Tests	11/01/93
Biosite Diagnostics	Triage Plus TCA Test Device	Pouch: 1 each	11/09/93
Biosite Diagnostics	Triage Test Device	Metallic Pouch: 1 each	11/30/90
Biosite Diagnostics	Triage-7 Conjugate Beads	Bottle: 1L, 250ml	12/22/92
Biosite Diagnostics	Triage-7 Device	Pouch: 1 cassette	12/22/92
Biosite Diagnostics	Triage-7 Panel for Drugs	Box: 10, 25 cassettes	12/22/92
Biosite Diagnostics	d-Amphetamine Controls, 1-5 31030-31034, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	d-Amphetamine Standards, 1-6 31024-31029, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	d-Methamphetamine Controls 5-6, 31020, 31257 Bulk Formulation.	Vial: 1.5ml, 20-50ml; Flask: 20-50ml	03/14/91
Biosite Diagnostics	d-Methamphetamine Controls, 1-4 31020-31023, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
Biosite Diagnostics	d-Methamphetamine Standards, 1-6 31014-31019, Bulk Formulation.	Vial: 50ml, 1.5ml	10/24/90
California Bionuclear Corporation	Amobarbital-2-C-14, Catalog No. 72077	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Cocaine (methoxy-C-14) Catalog No. 72182.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	D-Amphetamine (propyl-1-C-14) Sulfate, Catalog No. 72078.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	DL-Amphetamine (propyl-1-C-14) Sulfate, Catalog No. 72079.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Meperidine (N-methyl-C-14) Hydrochloride, Catalog No. 72508.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Mescaline (aminomethylene-C-14) Hydrochloride, Catalog No. 72512.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
California Bionuclear Corporation	Methadone (heptanone-2-C-14) Hydrochloride, Catalog No. 72516.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Methamphetamine (propyl-1-C-14) Sulfate, Catalog No. 72517.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Methylphenidate (carbonyl-C-14) Hydrochloride, Catalog No. 72550.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Morphine (n-methyl-C-14) Hydrochloride, Catalog No. 72560.	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Pentobarbital-2-C-14, Catalog No. 72618	Screw Cap Vial: 50 microcuries, 0.1, 0.5, 1.0 millicuries.	01/08/75
California Bionuclear Corporation	Secobarbital-2-C-14, Catalog No. 72675 .	Ampule: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
Cambridge Medical Diagnostics, Incorporated.	125I Human Parathyroid Hormone 44-68	Vial: 5ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	125I-Tetraiodothyronine	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	125I-Triiodothyronine	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Donkey Anti Goat Gamma Globulin	Vial: 5ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Parathyroid Hormone (Human 1-84) Standard.	6 Vials: 5ml each	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Parathyroid Hormone Assay Buffer	Vial: 10ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T3 AntiSerum (Rabbit)	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T3 Standard	Vial: 1ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T4 Antiserum (Rabbit)	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T4 Standard	Vial: 1ml	03/29/85
Casco Standards	1-(1-Phenylcyclohexyl)pyrrolidine Cross-Reactant.	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	1-Phenylcyclohexylamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/23/90
Casco Standards	1-[1-(2-thienyl)-cyclohexyl]-piperdine Cross-Reactant.	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/23/90
Casco Standards	1-[1-2(2-thienyl)-cyclohexyl]-pyrrolidine Cross-Reactant.	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/23/90
Casco Standards	11-OH-delta-8-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	11-OH-delta-9-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic cup: 125ml.	03/21/90
Casco Standards	11-nor-delta-8-THC-9-carboxilic acid Cross-Reactant.	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	11-nor-delta-9-THC-9-carboxilic acid Cross-Reactant.	Cryo-vial: 1.1ml Box: 25, 50, 75 vials	03/21/90
Casco Standards	8-B-11-diOH-delta-9-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	8-B-OH-delta-9-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Allobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Alphenal Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Alprazolam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Amobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Aprobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Barbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Benzoylecgonine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Benzphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Bromazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Butabarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Casco Standards	Butalbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Butethal Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cannabidiol Cross-Reactant	Cryo-Vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cannabinol Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic cup: 125ml.	03/21/90
Casco Standards	Chlordiazepoxide Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Clonazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cocaine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cyclopentobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Diazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Ecgonine HCl Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Ecgonine-methyl ester HCl hydrate Cross-Reactant.	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Fenfluramine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Flunitrazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Flurazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Halazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Hexobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Lorazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	MDA Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	MDE Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	MDMA Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Medazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Midazolam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Nitrazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 03/21/90.	03/21/90
Casco Standards	Nordiazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Oxazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Pentobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Phencyclidine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/23/90
Casco Standards	Phenmetrazine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Phenobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Phentermine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Pinazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Prazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Propylhexedrine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Secobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Talbutal Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Temazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Casco Standards	Triazolam Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	d-Amphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	d-Methamphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	l-Amphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	p-OH-Amphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Cayman Chemical Company	Testosterone	Vial: 3ml	04/07/93
Ciba Corning Diagnostics Corp	ACS Estradiol Component Sets	Kits: 3 Vials; 18 vials	01/31/94
Ciba Corning Diagnostics Corp	ACS Estradiol Component Sets Releasing Reagent.	Bottle: 30ml	01/31/94
Ciba Corning Diagnostics Corp	ACS Multical E Pack (Low & High Calibrator).	Kits: 4 Vials; 2 vials	01/31/94
Ciba Corning Diagnostics Corp	ACS Multical High Calibrator	Vial: 10ml	01/31/94
Ciba Corning Diagnostics Corp	ACS Multical Low Calibrator	Vial: 10ml	01/31/94
Ciba Corning Diagnostics Corp	AACC Tox	Glass Vial: 30ml	01/20/86
Ciba Corning Diagnostics Corp	ACS FT4	Kit: 50 Test, 300 Test	03/26/91
Ciba Corning Diagnostics Corp	ACS FT4 Lite Reagent	Vial: 7ml	03/26/91
Ciba Corning Diagnostics Corp	ACS FT4 Lite Reagent	Vial: 7ml	03/26/91
Ciba Corning Diagnostics Corp	ACS FT4 Solid Phase	Vial: 26ml	03/26/91
Ciba Corning Diagnostics Corp	ACS Ferritin Lite Reagent	Vial: 7ml; Kit: 50 Tests, 300 Tests	04/15/91
Ciba Corning Diagnostics Corp	ACS Ferritin Solid Phase	Vial: 26ml; Kit: 50 Tests, 300 Tests	04/15/91
Ciba Corning Diagnostics Corp	ACS HCG Solid Phase	Vial: 26ml; Kit: 50 Tests, 300 Tests	04/18/91
Ciba Corning Diagnostics Corp	ACS Magnetic Check	Plastic Vial: 26ml	06/18/91
Ciba Corning Diagnostics Corp	ACS Magnetic Check II	Plastic Vial: 26ml	06/18/91
Ciba Corning Diagnostics Corp	ACS Performance Verification Test Kit	Kit: 6 Vials	06/18/91
Ciba Corning Diagnostics Corp	ACS T3 300 Test Kit	Kit: 300 Tests	07/22/91
Ciba Corning Diagnostics Corp	ACS T3 50 Test Kit	Kit: 50 Tests	07/22/91
Ciba Corning Diagnostics Corp	ACS T3 Lite Reagent	Plastic Vial: 7ml	07/22/91
Ciba Corning Diagnostics Corp	ACS T3 Solid Phase	Plastic Vial: 26ml	07/22/91
Ciba Corning Diagnostics Corp	ACS T4	Kit: 50 Test, 300 Test	03/26/91
Ciba Corning Diagnostics Corp	ACS T4 Lite Reagent	Vial: 7ml	03/26/91
Ciba Corning Diagnostics Corp	ACS T4 Solid Phase	Vial: 26ml	03/26/91
Ciba Corning Diagnostics Corp	ACS Wash Check Solid Phase	Plastic Vial: 26ml	06/18/91
Ciba Corning Diagnostics Corp	ALP Buffer Concentrate Cat. No. 470244	Plastic Bottle: 175ml	10/28/91
Ciba Corning Diagnostics Corp	ALP Gel/12 Cat. No. 470246	2 Plates: 24 Tests	10/28/91
Ciba Corning Diagnostics Corp	ALP Gel/8 Cat. No. 470243	2 Plates: 16 Tests	10/28/91
Ciba Corning Diagnostics Corp	ALP Gel/8 and Buffer Cat. No. 470240	Kit: 10 Plates; Plastic Bottle: 175ml	10/28/91
Ciba Corning Diagnostics Corp	Alkaline Hemoglobin Buffer Cat. No. 470580.	Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Alkaline Hemoglobin Kit/8 Cat. No. 470678.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Ciba Corning ANTICONV/ASTH I, II	Kit Contains: 10ml vial, 5 Vials each level	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM I	Vial: 5ml, 10 vials	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM I, II & III	Kit Contains: 5 Vials each level	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM II	Vial: 5ml, 10 vials	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM III	Vial: 5ml, 10 vials	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TOX I, II	Kit: Contains: 10ml vial, 5 Vials each level.	12/16/85
Ciba Corning Diagnostics Corp	Ciba Corning Urine II	Vial: 30ml	05/22/85
Ciba Corning Diagnostics Corp	DAU I, No. 9076	Glass vial: 25ml, Box: 10 vials	05/23/89
Ciba Corning Diagnostics Corp	DAU II No. 9077	Glass Vial: 25ml, Box: 10 vials	05/23/89
Ciba Corning Diagnostics Corp	DAU III, No. 9078	Glass vial: 25ml, Box: 10 Vials	05/23/89
Ciba Corning Diagnostics Corp	DAU IV, No. 9079	Glass Vial: 25ml, Box: 10 Vials	05/23/89
Ciba Corning Diagnostics Corp	DAU V, No. 9085	Glass Vial: 25ml; Box: 10 vials	05/10/91
Ciba Corning Diagnostics Corp	Double Four-Track Gel Cat. No. 470179	Plate: 8 Tests; Kit: 12 Plates	10/28/91
Ciba Corning Diagnostics Corp	HDL Cholesterol Gel/8 and Buffer Cat. No. 470618.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	High Resolution Protein Gel/8 Cat. No. 470201.	Kit: 12 Plates; 2 Plates: 16 Tests	10/28/91
Ciba Corning Diagnostics Corp	High Resolution Protein Kit/8 Cat. No. 470682.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Immophase Ferritin Controls	Glass Vial: 3 ml	01/19/87
Ciba Corning Diagnostics Corp	Immophase Ferritin Standards	Glass Vial: 5 ml	09/16/86
Ciba Corning Diagnostics Corp	Immunoelectrophoresis Gel/10 Cat. No. 470090.	Kit: 12 Plates; 2 Plates: 20 Tests	10/28/91
Ciba Corning Diagnostics Corp	Immunoelectrophoresis Kit/8 Cat. No. 470684.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	L-TDM I	Glass Vial: 5 ml, Box: 15 Vials	05/23/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Ciba Corning Diagnostics Corp	L-TDM I, II, III Kit	Kit: 15 Vials	05/23/89
Ciba Corning Diagnostics Corp	L-TDM II	Glass Vial: 5ml, Box: 15 Vials	05/23/89
Ciba Corning Diagnostics Corp	L-TDM III	Glass Vial: 5ml, Box: 15 Vials	05/23/89
Ciba Corning Diagnostics Corp	LD Isoenzyme Gel/8 and Buffer Cat. No. 470620.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	LVM HI-CHEM DIL	Vial: 10ml	06/21/90
Ciba Corning Diagnostics Corp	LVM, Product Code - 9774	Carton: 12 vials	06/21/90
Ciba Corning Diagnostics Corp	Linearity Reference Material LNM-A, LNM-B, LNM-C.	Vial: 10ml; Kit: 2 vials	02/12/91
Ciba Corning Diagnostics Corp	Linearity Survey LN3-A, LN3-B, LN3-C	Vial: 10ml; Kit: 2 vials	02/12/91
Ciba Corning Diagnostics Corp	Linearity Survey LN4-A, LN4-B, LN4-C	Vial: 25ml; Kit: 2 vials	02/12/91
Ciba Corning Diagnostics Corp	Lipoprotein Kit/8 Cat. No. 470694	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	MULTIQUAL ABN UNASY	Vial: 3ml, 10ml, Carton: 15 vials, 10 vials	04/09/89
Ciba Corning Diagnostics Corp	MULTIQUAL I Assay, Product Code 9816	Kit: 15 vials; 3ml/vial	08/05/92
Ciba Corning Diagnostics Corp	MULTIQUAL II Assay, Product Code 9817.	Kit: 15 vials; 3ml/vial	08/05/92
Ciba Corning Diagnostics Corp	MULTIQUAL III Assay, Product Code 9818.	Kit: 15 vials; 3ml/vial	08/05/92
Ciba Corning Diagnostics Corp	MULTIQUAL NOR UNASY	Vial: 3ml, 10ml, Carton: 15 vials, 10 vials	04/09/89
Ciba Corning Diagnostics Corp	Magic Ferritin 2000 Standard	Plastic Vial: 1 ml	01/19/87
Ciba Corning Diagnostics Corp	Magic Ferritin Controls	Plastic Vial: 5 ml	01/19/87
Ciba Corning Diagnostics Corp	Magic Ferritin Standards	Polypropylene Vial: 3 ml	09/16/86
Ciba Corning Diagnostics Corp	Magic Ferritin Zero Standard	Plastic Vial: 50 ml	01/19/87
Ciba Corning Diagnostics Corp	Magic Lite Ferritin Bulk Lite Reageant	Plastic Vial: 50 ml	02/16/88
Ciba Corning Diagnostics Corp	Magic Lite Ferritin Bulk Solid Phase	Plastic Vial: 200 ml	02/16/88
Ciba Corning Diagnostics Corp	Magic Lite Ferritin Solid Phase	Plastic Vial: 50 ml	02/16/88
Ciba Corning Diagnostics Corp	Magic Lite T3 Bulk Solid Phase	Plastic Vial: 200 ml	02/16/88
Ciba Corning Diagnostics Corp	Magic Lite T3 Kit	Kit: 100 Tests	06/27/91
Ciba Corning Diagnostics Corp	Magic Lite T3 Lite Reagent	Plastic Vial: 30ml	06/27/91
Ciba Corning Diagnostics Corp	Magic Lite T3 Solid Phase	Plastic Vial: 75ml	06/27/91
Ciba Corning Diagnostics Corp	Magic T4 Antibody	Plastic Vial: 50 ml and 200 ml	02/16/88
Ciba Corning Diagnostics Corp	Magic T4 Antibody	Vial: 50ml, 200ml	11/01/90
Ciba Corning Diagnostics Corp	Multi-LD Gel Cat. No. 470221	Kit: 12 Plates; 2 Plates: 32 Tests	10/28/91
Ciba Corning Diagnostics Corp	Multi-SPE Gel Cat. No. 470252	Kit: 12 Plates; 2 Plates: 32 Tests	10/28/91
Ciba Corning Diagnostics Corp	Multitrac ALP Gel/12 and Buffer Cat. No. 470240.	Kit: 10 Plates; Plastic Bottle: 175ml	10/28/91
Ciba Corning Diagnostics Corp	Multitrac Immunofixation Kit/12 Cat. No. 470685.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Multitrac LD Isoenzyme Gel/12 and Buffer Cat. No. 470622.	Kit: 10 Plates; Plastic vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Multitrac LD Isoenzyme Gel/16 and Buffer Cat. No. 470625.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Multitrac Lipoprotein Kit/12 Cat. No. 470695.	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Multitrac Serum Protein Kit/12 Cat. No. 470697.	Kit: 10 Plates; Plastic vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	QCS ABN ASY	Vial: 5ml, Kit: 5 vials	01/21/89
Ciba Corning Diagnostics Corp	QCS ABN ASY No. 9705/9705A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp	QCS ABN ASY No. 9707/9707A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp	QCS ABN UNASY No. 9691/9691A	Box: 40 vials, Vial: 25 ml	12/15/89
Ciba Corning Diagnostics Corp	QCS ABN UNASY No. 9717/9717A	Box: 10 vials, Vial: 10 ml	12/15/89
Ciba Corning Diagnostics Corp	QCS NOR ASY	Vial: 5 ml, Kit: 5 vials	01/21/89
Ciba Corning Diagnostics Corp	QCS NOR ASY No. 9702/9702A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp	QCS NOR ASY No. 9704/9704A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp	QCS Nor UNASY No. 9681/9681A	Box: 40 vials, Vial: 25 ml	12/15/89
Ciba Corning Diagnostics Corp	QCS Nor UNASY No. 9716/9716A	Box: 10 vials, Vial 10 ml	12/15/89
Ciba Corning Diagnostics Corp	Reagent A- Alt 14	Vial: 15 ml	03/24/79
Ciba Corning Diagnostics Corp	Reagent A- Alt 7	Vial: 15 ml	03/24/79
Ciba Corning Diagnostics Corp	Reagent A-Ammonia 10	Vial: 10 ml	03/24/79
Ciba Corning Diagnostics Corp	Serum Protein Kit/8 Cat. No. 470696	Kit: 10 Plates; Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Special Barbital Buffer Set, Catalog No. 470182.	Vial: 3 per kit	04/17/79
Ciba Corning Diagnostics Corp	Univeral II Gel/8 Cat. No. 470261	Kit: 12 Plates; 2 Plates: 16 Tests	10/28/91
Ciba Corning Diagnostics Corp	Universal Buffer Cat. No. 470586	Plastic Vial: 25 Drams	10/28/91
Ciba Corning Diagnostics Corp	Universal Electrophoresis Film Agarose, Catalog No. 470100.	Plates: 12 per kit	04/17/79
Ciba Corning Diagnostics Corp	Universal Gel/12 Cat. No. 470554	Kit: 12 Plates; 2 Plates: 24 Tests	10/28/91
Ciba Corning Diagnostics Corp	Universal Gel/16 or Multi-SPE Gel Cat. No. 470066.	Kit: 12 Plates; 2 Plates: 32 Tests	10/28/91
Ciba Corning Diagnostics Corp	Universal IEP Gel Cat. No. 470222	Kit: 12 Plates; 2 Plates: 16 Tests	10/28/91
Ciba Corning Diagnostics Corp	Universal II Gel/12 Cat. No. 470262	Kit: 12 Plates; 2 Plates: 24 Tests	10/28/91
Ciba Corning Diagnostics Corp	Universal II Gel/12 Cat. No. 470362	Kit: 12 Plates	09/22/92

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Ciba Corning Diagnostics Corp	Universal II Gel/16 Cat. No. 470268	Kit: 12 Plates; 2 Plates: 32 Tests	10/28/91
Ciba Corning Diagnostics Corp	Universal II Gel/8 Cat. No. 470361	Kit: 12 Plates	09/22/92
Ciba Corning Diagnostics Corp	Universal PHAB Buffer Set Catalog No. 470180.	Kit: 3 vials per kit	09/26/79
Ciba Corning Diagnostics corp.	Magic Lite HCG Solid Phase	Plastic vial: 50ml, Kit: 100 tests	12/09/88
Cone Biotech, Inc	American Association of Bioanalysts, Urine Toxicology Survey.	Vial: 20ml Kit: 2 vials	05/30/90
Cone Biotech, Inc	CAP/Cocaine Reference Material Levels II, III, and IV.	Vial: 20 ml	03/07/88
Cone Biotech, Inc	College of American Pathologists (CAP) Reference Material for Cocaine in Urine.	Vial: 15ml Kit: 4 vials	05/30/90
Cone Biotech, Inc	College of American Pathologists Forensic Urine Drug Testing Survey Material (AACC/CAP).	Vial: 100ml	05/30/90
Cone Biotech, Inc	College of American Pathologists Toxicology Survey (CAP).	Vial: 50ml	05/30/90
Cone Biotech, Inc	College of American Pathologists Urine Toxicology Survey (CAP).	Vial: 50ml	05/30/90
Cone Biotech, Inc	QCM-UTI	Vial: 20ml	03/07/85
Cone Biotech, Inc	RIATRAC-Three Level Ligand Assay Controls.	Vials: 8ml	02/27/84
Cone Biotech, Inc	UDM-CAP/AACC Forensic Urine Drug Testing Survey (Initial Phase).	Bottle: 60 ml	08/31/87
Cone Biotech, Inc	UDS and UDC CAP/AACC Forensic Urine Drug Testing.	Vial: 30 ml	01/06/88
Consolidated Technologies, Inc	ADT-1 thru ADT-40	Vial: 125ml	06/10/92
Consolidated Technologies, Inc	HIST Multi-Drug Reference Material	Vial: 15ml	10/22/92
Consolidated Technologies, Inc	Morphine Glucuronide Calibration Set	Kit: 4 Vials	09/08/92
Consolidated Technologies, Inc	Morphine Glucuronide Reference Levels 1, 2, 3.	Vial: 20ml	09/08/92
Diagnostic Products Corporation	125-I Barbiturate Isotope: Cat. No. TBA2, TBAY2.	Vial: 110 ml, 550 ml	03/01/88
Diagnostic Products Corporation	125-I Benzolyecgonine Isotope: Cat. No. TCN2, TCNY2.	Vial: 100 ml, 550 ml	03/01/88
Diagnostic Products Corporation	125-I Benzoylecgonine Isotope (DA): Cat. No. CND2, YCND2.	Vial: 10 ml, 100 ml, 675 ml	03/01/88
Diagnostic Products Corporation	125-I Fentanyl Isotope: Cat. No. TFN2	Vial: 500 ml	03/01/88
Diagnostic Products Corporation	125-I Methadone Isotope: Cat. No. TMD2	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	125-I Methaqualone Isotope: Cat. No. TMQ2.	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	125-I Morphine Isotope: Cat. No. TMP2, TMPY2.	Vial: 110 ml, 550 ml	03/01/88
Diagnostic Products Corporation	125-I PCP Isotope: Cat. No. TPC2, TPCY2.	Vial: 110 ml, 550 ml	03/01/88
Diagnostic Products Corporation	125-I Serum Morphine Isotope: Cat. No. TSM2.	Vial: 110 ml	03/01/88
Diagnostic Products Corporation	125-I THC Isotope: Cat. No. THD2, YTHD2.	Vial: 20 ml, 110 ml, 550 ml	03/01/88
Diagnostic Products Corporation	Amphetamine Calibrators B-F: Cat. No. APD4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Amphetamine Calibrators Cat. No. MAP 4-8.	Vial: 5ml	07/05/90
Diagnostic Products Corporation	Amphetamine Controls, Cat. No. ACO1, ACO2.	Vial: 5 ml	03/20/89
Diagnostic Products Corporation	Amphetamine Controls: Cat. No. 5AC01, 5ACO2.	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	Amphetamine Isotope: Cat. No. APD2, 5APD2, YAPD2.	Vial: 20 ml, 100 ml, 550 ml	03/01/88
Diagnostic Products Corporation	Amphetamine Reference Preparation: Cat. No. 5YAP7.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Amphetamine Reference Preparations, Cat. NO. APD5, APD9.	Vial: 5 ml	03/20/89
Diagnostic Products Corporation	Barbiturate Calibrators B-G: Cat. No. BAC4-9.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Barbiturate Reference Preparations: Cat. No. 5YBA5.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Benzoylecgonine Calibrators (CAC) B-F: Cat. No. COC4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Benzoylecgonine Calibrators (DA) B-F: Cat. No. CND4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Benzoylecgonine Calibrators (DA): Cat. No. CNC4-8.	Vial: 3.5 ml	03/01/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Diagnostic Products Corporation	Benzoylecgonine Reference Preparation (DA): Cat. No. 5YCN5.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Benzoylecgonine Reference Preparation: Cat. No. 5YCN5.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	C-Terminal PTH Antiserum: Cat. No. PCD1	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	CON6 Immunoassay Tri-level Control Cat. No. CON6.	Kit: 6 vials	03/25/91
Diagnostic Products Corporation	Canine T3 Isotope: Cat. No. TC32	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Coat-A-Count Barbiturates In Urine: Cat. No. TKBA1, TKBA5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Barbiturates Qualitative Determination In Urine: Cat. No. TKBAY	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Canine T3: Cat. No. TKC31, TKC35.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Cocaine Metabolite: Cat. No. TKCN1, TKCN5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Fentanyl: Cat. No. TKFN1	Kit: 100 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Free Testosterone Cat. No. TKTF 1, 2.	Kit: 100, 200 Tests	03/25/91
Diagnostic Products Corporation	Coat-A-Count LSD 100, 500, Cat. NO. TKLS1, TKLS5.	Kit: 8 vials, 19 vials	03/20/89
Diagnostic Products Corporation	Coat-A-Count LSD Qualitative Determination in Urine, Cat. No. TKLSY.	Kit: 8 vials	03/20/89
Diagnostic Products Corporation	Coat-A-Count Metabolite Qualitative Determinants In Urine: Cat. No. TKCNY	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Methadone: Cat. No. TKMD1	Kit: 100 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Methaqualone: Cat. No. TKMQ1	Kit: 100 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Morphine Qualitative Determinations In Urine: Cat. No. TKMPY	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Morphine: Cat. No. TKMP1, TKMP5, TKMPX.	Kit: 100 tests, 500 tests, 1000 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Opiates Screen Qualitative Determinations In Urine: Cat. No. TKOSY	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Opiates Screen: Cat. No. TK0S1, TKOS5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count PCP (Phencyclidine) In Urine: Cat. No. TKCY1	Kit: 100 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count PCP (Phencyclidine) Qualitatives Determinations In Urine: Cat. No. TKPCY	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Serum Morphine: Cat. No. TKSM1	Kit: 100 tests	03/01/88
Diagnostic Products Corporation	Coat-A-Count Total Testosterone Cat. No. TKTT 1, 2, 5.	Kit: 100, 200, 500 Tests	03/25/91
Diagnostic Products Corporation	Donkey Anti-Goat Gamma Globulin (PTH-Ultra): Cat. No. PTDG.	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	Double Antibody Amphetamine, Cat. No. KAPD1, KAPD5.	Kit: 6 vials	03/20/89
Diagnostic Products Corporation	Double Antibody Amphetamine, Qualitative Determinations In Urine: Cat. No. KAPDY.	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Amphetamine: Cat. No. KAPD1, KAPD5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cannabinoids (THC) In Urine: Cat. No. KTHD1, KTHD5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cannabinoids (THC) Quantitative Determinations In Urine: Cat. No. KTHDY	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cocaine Metabolite Qualitative Determination In Urine: Cat. No. KCNDY	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cocaine Metabolite: Cat. No. KCND1, KCND5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody PTH-C: KPCD1, KPCD2	Kit: 70 tests, 140 tests	03/01/88
Diagnostic Products Corporation	Double Antibody PTH-M: Cat. No. KPMD1	Kit: 70 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Testosterone Cat. No. KTTD1 2	Kit: 100, 200 Tests	03/25/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Diagnostic Products Corporation	Double Antibody Ultra-PTH: Cat. No. KPTD1, KPTD2.	Kit: 70 tests, 140 tests	03/01/88
Diagnostic Products Corporation	Enzyme-Labeled Amphetamine Cat. No. MEAP2, 5MEAP2.	Vial: 20ml, 60ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled Cocaine Metabolite Cat. No. MECC2, 5MECC2.	Glass Vial: 11ml, 60ml	01/25/91
Diagnostic Products Corporation	Enzyme-Labeled Methamphetamine Cat. No. MEMA2, 5MEMA2.	Vial: 11ml, 60ml	09/28/90
Diagnostic Products Corporation	Enzyme-Labeled Opiates Cat. No. MEOP2, 5MEOP2.	Vial: 20ml, 60ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled PCP Cat. No. MEPC2, 5MEPC2.	Vial: 20ml, 60ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled THC Cat. No. METH 2, 5METH2.	Vial: 20ml, 60ml	07/05/90
Diagnostic Products Corporation	EquiCON-DOA Drugs of Abuse Equine Urine Controls Cat. No. EDAC.	Kit: 2 Vials	03/25/91
Diagnostic Products Corporation	EquiCon-DOA Level 2, 3 Cat. No. EDAC 2, 3.	Vial: 30ml	03/25/91
Diagnostic Products Corporation	Fentanyl Calibrators: Cat. No. FNC4-9	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Free Testosterone Calibrators Cat. No. TFC4-8.	Vial: 3.5ml	03/25/91
Diagnostic Products Corporation	Goat Anti-Rabbit Gamma Globulin/4% PEG Saline: Cat. No. 5N6.	Vial: 110 ml, 320 ml	03/01/88
Diagnostic Products Corporation	LSD Calibrators B-F, Cat. No. LSCH-8	Vial: 5 ml	03/20/89
Diagnostic Products Corporation	LSD Controls, Cat. No. 5LCO1, 5LCO2, LSCO1, LSCO2.	Vial: 120ml, 5ml	03/20/89
Diagnostic Products Corporation	LSD Isotope, Cat. No. TLSY2, TLS2	Vial: 105 ml, 550 ml	03/20/89
Diagnostic Products Corporation	LSD Reference Preparation, Cat. No. 5YLS6.	Vial: 120ml	03/20/89
Diagnostic Products Corporation	Low and High Barbiturate Urinary Controls: Cat. No. 5BCO1, 5BCO2.	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	Low and High Benzoylecgonine Urinary Controls (DA): Cat. No. 5COO1, 5COO2, CNC02, CNCO3.	Vial: 3.5 ml, 100 ml	03/01/88
Diagnostic Products Corporation	Low and High Cannabinoid Urinary Controls: Cat. No. 5TC01, 5TCO2.	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	Low and High Morphine Urinary Controls: Cat. No. 5MCO1, 5MCO2.	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	Low and High Opiate Urinary Controls: Cat. No. 5OCO1, 5OCO2.	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	Low and High PCP Urinary Controls: Cat. No. 5PCO1, 5PCO2.	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	Methadone Calibrators: Cat. No. MDC4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Methamphetamine Calibrators Cat. No. MMA-8.	Vial: 5ml	09/28/90
Diagnostic Products Corporation	Methamphetamine Cartridges Cat. No. VMADC.	Cartridge: 5ml	01/25/91
Diagnostic Products Corporation	Methamphetamine Positive Reference Cat. No. VMAPC.	Vial: 3ml	01/25/91
Diagnostic Products Corporation	Methaqualone Calibrators: Cat. No. MQC4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Mid-Molecule PTH Antiserum: Cat. No. PMD1.	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	Milenia Amphetamine Cat. No. MKAP1, MKAP5.	Kit: 7 vials, 96 tests, 480 tests	07/05/90
Diagnostic Products Corporation	Milenia Cannabinoids Cat. No. MK TH1, MKTH5.	Kit: 6 vials, 96 Tests, 480 Tests	07/05/90
Diagnostic Products Corporation	Milenia Cocaine Metabolite Cat. No. MKCC1, MKCC5.	Kit: 96 Tests, 480 Tests	01/25/91
Diagnostic Products Corporation	Milenia Cocaine References and Controls Cat. No. MC3, 6; MCCC1, 2.	Glass Vial: 5ml	01/25/91
Diagnostic Products Corporation	Milenia Methamphetamine Cat. No. MKMA1, MKMA5.	Kit: 96 wells, 480 wells	09/28/90
Diagnostic Products Corporation	Milenia Opiates Cat. No. MKOP1, MKOP5.	Kit: 6 vials, 96 Tests, 480 Tests	07/05/90
Diagnostic Products Corporation	Milenia PCP Cat. No. MKPC1, MKPC5	Kit: 6 vials, 96 tests, 480 tests	07/05/90
Diagnostic Products Corporation	Morphine Calibrators: Cat. No. MPC4-8	Vial: 3.5 ml, 10 ml	03/01/88
Diagnostic Products Corporation	Morphine Reference Preparation: Cat. No. 5YMPY7.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Opiate Calibrators: Cat. No. OSC4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Opiate Cartridges Cat. No. VOSDC	Cartridge: 5ml	07/05/90
Diagnostic Products Corporation	Opiates Calibrators Cat. No MOP 4-7	Vial: 5ml	07/05/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Diagnostic Products Corporation	Opiates Positive Reference Cat. No. VOSPC.	Vial: 1ml	07/05/90
Diagnostic Products Corporation	Opiates Reference Preparation: Cat. No. 5YOS7.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	PCP Calibrators Cat. No. MPC 3-7	Vial: 5ml	07/05/90
Diagnostic Products Corporation	PCP Calibrators: Cat. No. PCC4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	PCP Reference Preparation: Cat. No. 5YPC6.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	PTH (C-Terminal) Isotope: Cat. No. PCD2.	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	PTH (Ultra) Antiserum: Cat. No. PTD1	Vial: 5 ml	03/01/88
Diagnostic Products Corporation	PTH (Ultra) Isotope: Cat. No. PTD2	Vial 5 ml	03/01/88
Diagnostic Products Corporation	PTH-M Isotope: Cat. No. PMD2	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	RIA Controls Level 4, 5, 6 Cat. N0. CON4, CON5, CON6.	Vial: 10ml	03/25/91
Diagnostic Products Corporation	Serum Morphine Calibrators: Cat. No. SMC4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Serum Morphine Controls: Cat. No. SMCO2, SMCO3.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	THC Calibrators B-F: Cat. No. THD4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	THC Calibrators Cat. No. MTH 4-7	Vial: 5ml	07/05/90
Diagnostic Products Corporation	THC Reference Preparation: Cat. No. 5YTH7.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Ten One Methamphetamine Cat. No. VKMA1, VKMA4.	Kit: 12 Tests, 48 Tests	01/25/91
Diagnostic Products Corporation	Ten One Opiates Cat. No. VKSO1, VKSO4.	Kit: 1 vial, 12 & 48 5ml cartridges	07/05/90
Diagnostic Products Corporation	Testosterone Calibrators Cat. No. TTD3-8	Vial: 3.5ml	03/25/91
Diagnostic Products Corporation	Total Testosterone Calibrators Cat. No. TTC4-8.	Vial: 3.5ml	03/25/91
Diagnostic Products Corporation	Triiodothyronine (T3) Isotope: Cat. No. TT32.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	[125I] Free Testosterone Cat. No. TTF2	Vial: 105ml	03/25/91
Diagnostic Products Corporation	[125I] Testosterone Cat. No. TTD2	Vial: 10ml	03/25/91
Diagnostic Products Corporation	[125I] Total Testosterone Cat. No. TTT 2	Vial: 105ml	03/25/91
Diagnostic Systems Laboratories Inc	Radioimmunoassay Kit for the Measurement of Dehydroepiandrosterone (DHEA), DSL 8900.	Kit: 100 Tests	10/08/93
Diagnostics Reagents, Inc	Amphetamines Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5, 1 L	10/20/93
Diagnostics Reagents, Inc	Amphetamines Enzyme Immunoassay Kit# 0017.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Amphetemine Enzyme Immunoassay Kit# 0018.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Barbiturate Enzyme Congugate Reagent, Bulk.	Carboy: 20, 10, 5, 1 L	10/20/93
Diagnostics Reagents, Inc	Barbiturate Enzyme Immunoassay Kit# 0225.	Kit: 2 Bottles; 100 ml each	10/20/93
Diagnostics Reagents, Inc	Barbiturate Enzyme Immunoassay Kit# 0226.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Benzodiazepine Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5, 1 L	10/20/93
Diagnostics Reagents, Inc	Benzodiazepine Enzyme Immunoassay Kit# 0039.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Benzodiazepine Enzyme Immunoassay Kit# 0040.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Cannabinoid Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5, 1 L	10/20/93
Diagnostics Reagents, Inc	Cannabinoid Enzyme Immunoassay Kit# 0185.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Cannabinoid Enzyme Immunoassay Kit# 0186.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Cocaine Metabolite Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5, 1 L	10/20/93
Diagnostics Reagents, Inc	Cocaine Metabolite Enzyme Immunoassay Kit# 0055.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Cocaine Metabolite Enzyme Immunoassay Kit# 0056.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse High Calibrator A, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse High Calibrator A, Cat# 0324.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse High Calibrator, Bulk	Bottle: 5L, 1L, 500ml	10/20/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Diagnostics Reagents, Inc	Drugs of Abuse High Calibrator, Cat# 0036.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level 2 Control, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level 2 Control, Cat# 0208.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level 2A Control, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level 2A Control, Cat# 0331.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level I Control, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level I Control, Cat# 0210.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level IA Control, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Level IA Control, Cat# 0329.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Low Calibrator A, Cat# 0322.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Low Calibrator, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Low Calibrator, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	Drugs of Abuse Low Calibrator, Cat# 0034.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	Methadone Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5,1L	10/20/93
Diagnostics Reagents, Inc	Methadone Enzyme Immunoassay Kit# 0596.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Methadone Enzyme Immunoassay Kit# 0597.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Methadone Metabolite Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5,1L	10/20/93
Diagnostics Reagents, Inc	Methadone Metabolite Enzyme Immunoassay Kit# 0200.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Methadone Metabolite Enzyme Immunoassay Kit# 0201.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Methaqualone Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5,1L	10/20/93
Diagnostics Reagents, Inc	Methaqualone Enzyme Immunoassay Kit# 0514.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Methaqualone Enzyme Immunoassay Kit# 0515.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Opiate Enzyme Conjugate Reagent, Bulk	Carboy: 20, 10, 5,1L	10/20/93
Diagnostics Reagents, Inc	Opiate Enzyme Immunoassay Kit# 0135 .	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Opiate Enzyme Immunoassay Kit# 0136 .	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Phencyclidine Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5,1L	10/20/93
Diagnostics Reagents, Inc	Phencyclidine Enzyme Immunoassay Kit# 0160.	Kit: 2 Bottles; 100ml each	10/20/93
Diagnostics Reagents, Inc	Phencyclidine Enzyme Immunoassay Kit# 0161.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	Propoxyphene Enzyme Conjugate Reagent, Bulk.	Carboy: 20, 10, 5,1L	10/20/93
Diagnostics Reagents, Inc	Propoxyphene Enzyme Immunoassay Kit# 0432.	Kit: 2 Bottles; 100 ml each	10/20/93
Diagnostics Reagents, Inc	Propoxyphene Enzyme Immunoassay Kit# 0433.	Kit: 2 Bottles; 500ml each	10/20/93
Diagnostics Reagents, Inc	THC Urine Calibrator 100ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Calibrator 100ng/ml, Cat# 0044.	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Calibrator 200ng/ml Cat# 0206	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Calibrator 200ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Calibrator 50ng/ml	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Calibrator 50ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Calibrator, 20ng/ml, Cat# 0235	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control 125ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control 40ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control 60ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control 75ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control, 125ng/ml, Cat# 0212	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control, 40ng/ml, Cat# 0170 ..	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control, 60ng/ml, Cat# 0168 ..	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC Urine Control, 75ng/ml, Cat# 0214 ..	Bottle: 5ml	10/20/93
Diagnostics Reagents, Inc	THC urine Calibrator 20ng/ml, Bulk	Bottle: 5L, 1L, 500ml	10/20/93
Diagnostics Systems Laboratories Inc	DHEA Controls I and II, DSL 8951 & 8952.	Vial: 3.5ml	10/08/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Diagnostics Systems Laboratories Inc	DHEA Standards, A-F, DSL 8901-8906	Vial: 3.5ml	10/08/93
Diagnostics Systems Laboratories Inc	Radioimmunoassay Kit for the Measurement of Dehydroepiandrosterone (DHEA), DSL 9000.	Kit; 100 Tests	10/08/93
Diagnostics Systems Laboratories Inc	Radioimmunoassay Kit for the Quantitative Measurement of Testosterone, DSL 4000.	Kit: 100 Tests	10/08/93
Diagnostics Systems Laboratories Inc	Radioimmunoassay Kit for the Quantitative Measurement of Testosterone, DSL 4100.	Kit: 100 Tests	10/08/93
Diagnostics Systems Laboratories Inc	Testosterone Controls I and II, DSL 4051 & 4052.	Vial: 3.5ml	10/08/93
Diagnostics Systems Laboratories Inc	Testosterone Standards A-F, DSL 4001-4006.	Vial: 3.5ml	10/08/93
Diamedix Corporation	Barbital-Acetate Buffer, Powder 709-317	Package: 20 envelopes—10.65g per envelope.	07/27/72
Diamedix Corporation	CEP Plate-Amebiasis Testing 40 Test No. 730-274.	Plate: 40mm x 80mm x 2.5mm	08/09/73
Diamedix Corporation	CEP VI No. 709-339	Plate: 40mm x 80mm x 2.5mm	08/09/73
Diamedix Corporation	Counterelectrophoresis (CEP) Plates for Trichinosis Testing.	Plastic plates: 40mm x 80mm x 2.5mm	06/16/75
Diamedix Corporation	EDTA (0.014M)-GVB Buffer, 753-034	Bottle: 5ml	08/09/73
Diamedix Corporation	EDTA (0.01M)-GVB Buffer, 753-031	Bottle: 5ml	08/09/73
Diamedix Corporation	GVB(3+) Buffer 753-037	Bottle: 50ml	08/09/73
Diamedix Corporation	Glucose-GVB 1 Buffer, 753-036	Bottle: 50ml	08/09/73
Duo Research, Inc	Drug Testing Assessment Program Quality Control Samples.	Kit: 25 bottles	12/26/86
Duo Research, Inc	Drug Testing Assessment Program-Quality Control Sample.	Bottle: 65ml	02/27/86
Duo Research, Inc	Drug Testing Assessment Program-Quality Control Sample Kit.	Kit: 5-65ml bottles	02/27/86
DynaGen, Inc	Benzoylecgonine and delta-8 THC-Carboxylic Acid Cat# 700-111.	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	D-Amphetamine and DL-Methamphetamine Cat# 700-107.	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	D-Amphetamine, D-Methamphetamine and delta-9 THC-Carboxylic Acid Cat# 700-112.	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	D-Amphetamine, Pseudoephedrine, DL-Methamphetamine and Phenylpropanolamine Cat# 700-116.	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	DL-Methamphetamine Cat# 700-110	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	Hydrocodone Cat# 700-106	Plastic bottle: 100ml	07/27/93
DynaGen, Inc	Hydromorphone Cat# 700-108	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	Methadone Cat# 700-118	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	Methaqualone Cat# 700-119	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	Morphine, Codeine and 6-Monoacetylmorphine Cat# 700-114.	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	Oxazepam Cat# 700-120	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	PeoCheck Blind Performance Specimens Cat# 500-100.	Kit: 25 Bottles; 100ml plastic	07/27/93
DynaGen, Inc	Phencyclidine and Hydrocodone Cat# 700-115.	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	ProCheck Blind Performance Specimens Cat# 500-200.	Kit: 5 bottles; 100ml plastic	07/27/93
DynaGen, Inc	Propoxyphene Cat# 700-121	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	Secobarbital Cat# 700-117	Plastic Bottle: 100ml	07/27/93
DynaGen, Inc	delta 9 THC-Carboxylic Acid and Phentermine Cat# 700-113.	Plastic Bottle: 100ml	07/27/93
E.I. duPont de Nemours & Co., Inc	(1) PREP Sample Preparation and Analysis Kit.	Kit containing following:	09/25/78
E.I. duPont de Nemours & Co., Inc	(2) PREP Buffer/Internal Standard and Liquid Chromatography Verifier.	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Inc	(2a) PREP Liquid Chromatography Verifier.	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(2b) PREP Buffer/Internal Standard	Vial: 100ml (3 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(3) PREP Calibrators	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Inc	(3a) PREP Calibrator-Level 1	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(3b) PREP Calibrator-Level 2	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(3c) PREP Calibrator-Level 3	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(3d) PREP Calibrator-Level 4	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(4) PREP Controls	Box containing following:	09/25/78

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
E.I. duPont de Nemours & Co., Inc	(4a) PREP Control-Low Level	Vial: 10ml (2 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(4b) PREP Control-High Level	Vial: 10ml (2 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	DM/TU Saturating Reagent	Plastic Bottle: 1L, 10L, 20L	02/22/89
E.I. duPont de Nemours & Co., Inc	DuPont Drug Calibrator-A (levels 1-5)	Vial: 6ml, Box: 10 vials	09/28/90
E.I. duPont de Nemours & Co., Inc	DuPont Drug Calibrators- Levels 1 through 5.	Vial: 6ml (1 vial and 2 vials/box)	04/04/86
E.I. duPont de Nemours & Co., Inc	DuPont Phenobarbital Assay	Vial: 6 ml	10/13/86
E.I. duPont de Nemours & Co., Inc	DuPont U Amp Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc	DuPont U Barb Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc	DuPont U Benz Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc	DuPont U COC Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc	DuPont U OPI Enzyme Pack Reagent	Bottle: 1 liter	08/28/87
E.I. duPont de Nemours & Co., Inc	DuPont U THC Enzyme Pack Reagent	Bottle: 1 liter	01/04/88
E.I. duPont de Nemours & Co., Inc	DuPont Urine Drugs-of-Abuse Calibrator (Levels 0, 1, 2).	Box: 6 Vials, 6ml Vial	07/27/87
E.I. duPont de Nemours & Co., Inc	DuPont Urine Drugs-of-Abuse Control	Vial: 6 ml	08/03/87
E.I. duPont de Nemours & Co., Inc	DuPont aca Barbiturate Screen Analytical Test Pack.	Plastic Packs: 25 tests	12/23/84
E.I. duPont de Nemours & Co., Inc	DuPont aca Barbiturate Screen/ Benzodiazepine Screen Calibrator.	6 Vials: 3ml	02/23/84
E.I. duPont de Nemours & Co., Inc	DuPont aca Benzodiazepine Screen Analytical Test Pack.	Plastic Packs: 25 tests	02/23/84
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator-Level 1	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator-Level 2	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator-Level 3	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator-Level 4	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator-Level 5	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Theophylline Calibrator Levels 1, 2 and 3	Vial: 6 ml. Box contains 2 vials each level	09/21/88
E.I. duPont de Nemours & Co., Inc	Thyroid Rotor	Foil Pouch: 1 Rotor Shelf Carton: 10 Rotors Box: 5 Shelf Cartons (50 Rotors).	10/25/88
E.I. duPont de Nemours & Co., Inc	Thyronine (TU) Uptake Flex	32 Test Cartridge, Carton: 7 cartridges	03/29/89
E.I. duPont de Nemours & Co., Inc	Thyronine (TU) Uptake Flex(tm) Reagent Cartridge.	Plastic container: 2.3ml (20 tests)	04/28/86
E.I. duPont de Nemours & Co., Inc	Urine Amphetamine (U Amp) Test Pack	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc	Urine Barbiturate (U Barb) Test Pack	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc	Urine Benzodiazepine (U Benz) Test Pack.	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc	Urine Cannabinoid (U THC) Test Pack	Carton: 50 tests	11/09/87
E.I. duPont de Nemours & Co., Inc	Urine Cocaine (U COC) Test Pack	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc	Urine Opiate (U OPI) Test Pack	Carton: 50 tests	07/08/87
E.I. duPont de Nemours & Co., Inc	aca PHNO Analytical Test Pack	Carton: 40 tests packs	08/25/77
E.I. duPont de Nemours & Co., Inc	aca Thryonine Uptake Analytical Test Pack.	Plastic Pack: 1 test	08/25/83
E.I. duPont de Nemours & Co., Inc	aca Urine Methadone Calibrator (Level 1 & 2).	Vial: 10ml	09/17/93
E.I. duPont de Nemours & Co., Inc	aca Urine Methadone Control (Negative/ Positive).	Vial: 6ml	09/17/93
E.I. duPont de Nemours & Co., Inc, Medical Products.	5-Cyclohexenyl-3, 5, -Dimethyl barbituric Acid (3H(G)), Catalog No. NET-426.	Combi-Vial: 250 microcuries , 1 millicurie, and 5 millicuries.	01/04/77
E.I. duPont de Nemours & Co., Inc, Medical Products.	Acetaldehyde (1, 2-14C) as Paraldehyde, Catalog No. NEC-158.	Pyrex Glass Breakseal Tube: 250 microcuries, 1 millicurie.	01/04/77
E.I. duPont de Nemours & Co., Inc, Medical Products.	Cocaine, Levo-[Benzoyl] [3.4-3H(N)] Catalog No. NET-510.	Combi-Vial: 100 microcuries, 250 microcuries.	01/04/77
E.I. duPont de Nemours & Co., Inc, Medical Products.	Diazepam [Methyl-3H] Catalog No. NET-564.	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	09/06/79
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydromorphine [7, 8-3H(N)]	Combi-Vial: 250 microcuries, 1 millicurie	01/04/77
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydromorphine[N-Methyl-3H] NET-658	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	02/29/80
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydrotestosterone, [1, 2, 4, 5, 6, 7, 16, 17-3H(N)].	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydrotestosterone, [1, 2, 4, 5, 6, 7-3H(N)]-.	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydrotestosterone, [1, 2-3H(N)]	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydrotestosterone, [4-14C]-	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Drug Discovery Kit, No. NED-002, NED-002A.	Kit: 100 tests, 500 tests	08/08/89
E.I. duPont de Nemours & Co., Inc, Medical Products.	Flunitrazepam (Methyl-3H)	Combi-Vial: 5 microcuries, 14 microcuries	08/08/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
E.I. duPont de Nemours & Co., Inc, Medical Products.	Flunitrazepam 2.5 Micro M	Combi-Vial: 2.0 ml	08/08/89
E.I. duPont de Nemours & Co., Inc, Medical Products.	Flunitrazepam [Methyl-3H] NET 567	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	04/29/87
E.I. duPont de Nemours & Co., Inc, Medical Products.	LSD [N-Methyl-3H] NET-638	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	11/06/79
E.I. duPont de Nemours & Co., Inc, Medical Products.	Mazindol (4'-3H) Catalog No.NET-816	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	05/17/84
E.I. duPont de Nemours & Co., Inc, Medical Products.	Methylenedioxymethamphetamine, (+)3, 4-[N-methyl-3H] NET 957.	Combi-Vial: 0.0250 millicuries, 0.25 millicuries, 1.0 millicuries.	08/25/75
E.I. duPont de Nemours & Co., Inc, Medical Products.	Methylphenidate,+/-threo[methyl-3HNET857.	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	06/11/84
E.I. duPont de Nemours & Co., Inc, Medical Products.	Mibolerone	Glass Vial: 5ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Mibolerone, [17Alpha-methyl-3H]-	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Morphine [N-methyl-3H] NET-653	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	02/29/80
E.I. duPont de Nemours & Co., Inc, Medical Products.	N-[1-(2-Thienyl) Cyclohexyl]-3, 4-Piperidine (Piperidyl-3, 4-3H)NET-886.	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	06/11/84
E.I. duPont de Nemours & Co., Inc, Medical Products.	Phencyclidine [Piperidyl-3, 4-3H(N)], Catalog No. NET-630.	Combi-Vial: 0.250 millicurie, 1.0 millicurie	09/06/79
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [1, 2, 6, 7, 16, 17-3H(N)]	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [1, 2, 6, 7-3H(N)]-	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [1Alpha, 2Alpha, -3H(N)]-	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [1Beta, 2Beta, -3H(N)]-	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [4-14C]-	NENSURE Vial: 0.8ml, 6.2ml; Glass Vial: 10ml.	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [7-3H(N)]-	NENSURE Vial: 0.8ml, 6.2ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	d-Amphetamine Sulfate (3H(G)), Catalog No. NET-140.	Combi-Vial: 250 microcuries, 1 millicurie, and 5 millicuries.	01/04/77
EM Diagnostic Systems, Inc	EMDS Antiepileptic Drug Calibrator Item No. 67630/95.	Box: 3 Vials, 5 ml each	06/11/86
EM Diagnostic Systems, Inc	EMDS Test Packs, Phenobarbital (PHENO) Item No. 67677/95.	Carton: 48 Test Packs	09/09/86
EM Diagnostic Systems, Inc	Easytest Phenobarbital Assay Item No. 67534/93.	Cuvette: 1.8ml (40 cuvettes /carton)	06/11/86
Eastman Kodak Company	KODATROL Control I Control and Diluent Set.	1 Set: 2 amber glass vials ea. 6 ml 1 Box: 12 sets.	07/21/88
Eastman Kodak Company	KODATROL Control II Control and Diluent Set.	1 Set: 2 amber glass vials ea. 6 ml 1 Box: 12 sets.	07/21/88
Eastman Kodak Company	Kodak EKTACHEM Specialty Calibrator	Vial: 3ml	09/13/85
Eastman Kodak Company	Kodak EKTACHEM Specialty Control I	Vial: 3ml	09/13/85
Eastman Kodak Company	Kodak Ektachem Specialty Control II	Glass Vial: 6 ml	11/10/87
Electro-Nucleonics Laboratories, Incorporated.	VIRGO IPA Immuno-Precipitation Assay for Phenobarbital.	Kit	11/30/82
Endocrine Metabolic Center	0.1% Lysozyme-Barbital Buffer, 0.05M	Glass Bottle: 2 liter	05/28/87
Endocrine Metabolic Center	1% Lysozyme-Barbital Buffer, 0.05M	Glass Bottle: 2 liter	05/28/87
Endocrine Metabolic Center	Barbital Buffer, 0.05M	Plastic Bottle: 3000 ml	05/28/87
Endocrine Metabolic Center	Barbital Buffer, 0.1M	Plastic Bottle: 3000 ml	05/28/87
Endocrine Metabolic Center	Tracer Diluent	Glass Bottle: 1 or 2 liter	05/28/87
Environmental Diagnostics, Inc	EZ-Screen: Cannabinoid Enzyme Conjugate.	Ampule: 1 ml	02/03/87
Environmental Diagnostics, Inc	EZ-Screen: Cannabinoid Kit Catalog No. 216-2BP.	Kit: 1 test	02/03/87
Environmental Diagnostics, Inc	EZ-Screen: Cannabinoid Positive Control	Ampule: 1 ml	02/03/87
Environmental Diagnostics, Inc	EZ-Screen: Cannabinoid/Cocaine-Enzyme Conjugate.	Polyethylene Tube: containing ampule with 1 tablet, Kit: 1 test.	12/20/88
Environmental Diagnostics, Inc	EZ-Screen: Cannabinoid/Cocaine-Positive Control.	Polyethylene Tube: 2.2ml, Kit: 1 test	12/20/89
Fisher Diagnostics	TheraChem Anticonvulsants/Theophylline, Level I, II.	Kit: 9 vials, vial: 5ml	03/03/81
Fisher Scientific	Electrophoretic Buffer No. 1 pH 8.60, Ionic Strength 0.05, Catalog No. E-1.	Packet: 12.14 g.	10/27/72
Fisher Scientific	Electrophoretic Buffer No. 2, pH 8.60, Ionic Strength 0.075, Catalog No. E-2.	Packet: 18.16 g.	10/27/72

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Fisher Scientific	IL-Test Phenobarbital	Kit: contains 2 plastic containers of reagent 2.	03/15/88
Fisher Scientific	IL-Test Phenobarbital Conjugate, Reagent 2.	Plastic Container: 16 ml	03/15/88
Fisher Scientific	Owren's Veronal Buffer, CS1094-34	Vial: 10 ml	08/18/86
Fisher Scientific	Owren's Veronal Buffer, CS1094-38	Vial: 25 ml	08/18/86
Fisher Scientific	SeraChem Abnormal Clinical Chemistry Control Serum (Human) Unassayed No. 2906.	Vial: 5ml, 10ml	04/16/82
Fisher Scientific	SeraChem Abnormal Clinical Chemistry Control Serum (Human), Assayed No. 2905.	Vial: 5ml	04/16/82
Fisher Scientific	SeraChem Normal Clinical Chemistry Control Serum (Human), Assayed No.2907.	Vial: 5ml	04/16/82
Fisher Scientific	Serachem Normal Clinical Chemistry Control Serum (Human), Unassayed No. 2908.	Vial: 5ml, 10ml	04/16/82
Fisher Scientific	TDM Cal	Kit: 7 Vials	11/26/86
Fisher Scientific	TDM Cal (B-F)	Vials: 5 ml	11/26/86
Fisher Scientific	Thera Chem TDC Therapeutic Drug Controls, Low and High Levels, 2840-58.	Kit: 6 vials	01/12/84
Fisher Scientific	TheraChem-Plus TDC Therapeutic Drug Controls, Tri-Level, No. 2845-94.	Kit: 9 vials	03/19/86
Fisher Scientific	Therapeutic Drug Control, High Level III, No. 2848-31.	Vial: 5ml	03/19/86
Fisher Scientific	Therapeutic Drug Control, High Level, 2842-31.	Vial: 5ml	01/12/84
Fisher Scientific	Therapeutic Drug Control, Low Level I, No. 2846-31.	Vial: 5ml	03/19/86
Fisher Scientific	Therapeutic Drug Control, Low Level, 2841-31.	Vial: 5ml	01/12/84
Fisher Scientific	Therapeutic Drug Control, Mid-Range Level II, No. 2847-31.	Vial: 5ml	03/19/86
Fisher Scientific	Urine Chemistry Control (Human) Level II, No. 2935-80.	Vial: 25ml	04/06/78
Fisher Scientific	Urine Toxicology Control No. 2950-61	Vial: 25ml	04/06/78
Fisher Scientific Group	SeraChem Plus Clinical Chemistry Control Sera Unassayed (Bovine) Level I.	Vial: 10ml, Box: 50 vials, Carton: 4 boxes	07/25/89
Fisher Scientific Group	SeraChem Plus Clinical Chemistry Control Sera Unassayed (Bovine) Level II.	Vial: 10ml, Box: 50 vials, Carton: 4 boxes	07/25/89
Flow Laboratories	DGV No. 28-010	Bottle: 125ml	04/16/73
Flow Laboratories	Human "O" DGV (Dextrose Gelatin Veronal Buffer) No. 28-080.	Glass Vial: 100ml	10/14/76
GIBCO Laboratories	Complement Fixation Buffer Solution, pH 7.3-7.4, NDC 0118115-0247-1.	Bottle: 1 liter	01/28/74
GIBCO Laboratories	Complement Fixation Buffer Solution, pH 7.3-7.4, NDC 011815-0247-2.	Bottle: 500ml	04/05/77
GIBCO Laboratories	Dextrose-Gelatin-Veronal Buffer Solution NDC No. 815-0566-1 and No. 815-0566-2.	Bottle: 100 and 500ml	07/05/73
GIBCO Laboratories	Electrophoresis Buffer Solution, pH 8.6, NDC 011815-6245-1.	Bottle: 1 liter	01/28/74
GIBCO Laboratories	I.E.P. Buffer Solution pH 8.2 NDC 011815-0246-1.	Bottle: 1 liter	01/28/74
Gelman Sciences, Inc	Drug Control Set No. 51911	Set: 3 vials of 50ml each	04/06/72
Gelman Sciences, Inc	Drug Standard Set, No. 51910	Set: 3 vials of 2ml each	04/06/72
Gelman Sciences, Inc	Hi-Phore Buffer	Glass Vial: 15g.	02/11/82
Gelman Sciences, Inc	High Resolution Buffer-Tris Barbital Buffer No 51104.	Vial: 10dr	12/22/71
Gumm Chem. Co	Niflow Initial Additive	Drums: 5 Gallons	09/30/85
Gumm Chem. Co	Niflow Maintenace Additive	Drums: 5 Gallons	09/30/85
Hach Chemical Co.	pH 8.3 Buffer Powder Pillows. No. 898-98	Pillow: 1 g. each	11/30/71
Helena Laboratories	Cardio REP CK Isoenzymes Gel	Plate: 4.6" x 2.4"	09/24/93
Helena Laboratories	CK-LD Buffer Catalog No. 5808	Packet: 18.332g. , 10 packets/box	03/26/86
Helena Laboratories	Cardio REP CK Isoenzymes Kit, Cat# 3310.	Kit: 10 Plates	09/24/93
Helena Laboratories	Cardio REP CK Isoforms Gel	Plate: 4.6" x 2.4"	09/24/93
Helena Laboratories	Cardio REP CK Isoforms Kit, Cat# 3305	Kit: 10 Plates	09/24/93
Helena Laboratories	Electra B1 Buffer, Catalog No. 5016	Packet: 13.1g. 10 packets/ box	12/28/73
Helena Laboratories	Electra B2 Buffer, Catalog No. 5017	Packet: 18.2g. 10 packets/ box	12/28/73
Helena Laboratories	Electra HR Buffer, Catalog No. 5805	Packet: 18.1g. 10 packets/ box	12/28/73

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Helena Laboratories	HDL Electrophoresis Buffer	Packet: 36g.	12/18/85
Helena Laboratories	Isoamylase Cathode Buffer	Packet: 9.7g.	12/18/85
Helena Laboratories	Isoamylase Kit Catalog No. 5925	Kit: 2 Packets Cathode Buffer	01/24/86
Helena Laboratories	Owren's Veronal Buffer Cat. No. 5375	Plastic Bottle: 125 ml	09/15/88
Helena Laboratories	REP ALP-15 Gel	Plate: 5.8" x 5.5"	08/26/93
Helena Laboratories	REP Alkaline Phosphatase Cat# 3152	Kit: 10 Plates	08/26/93
Helena Laboratories	REP CK Isoforms-15	Plate: 5.8" x 5.5"	03/09/88
Helena Laboratories	REP CK Isoforms-15 Kit: Cat. No. 3081	Kit: 10 plates	03/09/88
Helena Laboratories	REP CK Isoforms-4 Cat# 3083	Kit: 10 Plates	08/26/93
Helena Laboratories	REP CK Isoforms-4 Gel	PLate: 5.8 x 1.25	08/26/93
Helena Laboratories	REP CK Isoforms-8 Cat# 3082	Kit: 10 Plates	08/26/93
Helena Laboratories	REP CK Isoforms-8 Gel	Plate: 5.8 x 2.18	08/26/93
Helena Laboratories	REP CK-12	Plate: 5.8 x 2.18	03/09/88
Helena Laboratories	REP CK-12 Isoenzyme Kit: Cat. No. 3071	Kit: 10 plates	03/09/88
Helena Laboratories	REP CK-2 STAT Kit, Cat. No. 3074	Kit: 10 plates (5.8 x 0.6)	03/30/89
Helena Laboratories	REP CK-30	Plate: 5.8 x 5.5	03/09/88
Helena Laboratories	REP CK-30 Isoenzyme Kit	Kit: 10 plates	03/09/88
Helena Laboratories	REP CK-6	Plate: 5.8x1.25	03/09/88
Helena Laboratories	REP CK-6 Isoenzyme Kit: Cat. No. 3072	Kit: 10 plates	03/09/88
Helena Laboratories	REP ImmunoFix Kit # 3150	Kit: 10 plates	03/09/93
Helena Laboratories	REP LD	Plates: 5.8x5.5, 5.8x2.18, 5.8x1.25	03/09/88
Helena Laboratories	REP SPE Hi Res-15 Kit, Cat. No. 3176	Kit: 10 plates (5.8 x 5.5)	03/30/89
Helena Laboratories	REP SPE-16 Template (Acid Blue) Kit, Cat# 3171.	Kit: 10 Plates	09/14/93
Helena Laboratories	REP SPE-16 Template (Ponceau S) Kit, Cat# 3161.	Kit: 10 Plates	09/14/93
Helena Laboratories	REP SPE-16 Template Gel	Plate: 5.8x 2.18	09/14/93
Helena Laboratories	REP SPE-30 Template (Acid Blue) Kit, Cat# 3170.	Kit: 10 Plates	09/14/93
Helena Laboratories	REP SPE-30 Template (Ponceau S) Kit, Cat# 3160.	Kit: 10 Plates	09/14/93
Helena Laboratories	REP SPE-30 Template Gel	Plate: 5.8x 5.5	09/14/93
Helena Laboratories	REP SPE-8 Template (Acid Blue) Kit, Cat# 3172.	Kit: 10 Plates	09/14/93
Helena Laboratories	REP SPE-8 Template (Ponceau S) Kit, Cat# 3162.	Kit: 10 Plates	09/14/93
Helena Laboratories	REP SPE-8 Template Gel	Plate: 5.8x 1.25	09/14/93
Helena Laboratories	REP Ultra-30 HDL, VLDL/LDL Gel	Plate: 5.8x 5.5	09/24/93
Helena Laboratories	REP Ultra-30 HDL, VLDL/LDL Kit, Cat# 3183.	Kit: 10 Plates	09/24/93
Helena Laboratories	REP Ultra-8 HDL, VLDL/LDL Gel	Plate: 5.8x 1.25	09/24/93
Helena Laboratories	REP Ultra-8 HDL, VLDL/LDL Kit, Cat# 3185.	Kit: 10 Plates	09/24/93
Helena Laboratories	REP-HDL-12 Isoenzyme Kit Cat. No. 3187.	Kit: 10 Plates (5.8 x 2.18)	09/15/88
Helena Laboratories	REP-HDL-30 Isoenzyme Kit Cat. No. 3186.	Kit: 10 Plates (5.8 x 5.5)	09/15/88
Helena Laboratories	REP-HDL-6 Isoenzyme Kit Cat. No. 3188	Kit: 10 Plates (5.8 x 1.25)	09/15/88
Helena Laboratories	REP-Lipo-12 Kit Cat. No. 3181	Kit: 10 Plates (5.8 x 2.18)	09/15/88
Helena Laboratories	REP-Lipo-30 Kit Cat. No. 3180	Kit: 10 Plates (5.8 x 5.5)	09/15/88
Helena Laboratories	REP-Lipo-6 Kit Cat. No. 3182	Kit: 10 Plates (5.8 x 1.25)	09/15/88
Helena Laboratories	REP-SP-12 Isoenzyme Kit Cat. No. 3171	Kit: 10 Plates (5.8 x 2.18)	09/15/88
Helena Laboratories	REP-SP-30 Isoenzyme Kit Cat. No. 3170	Kit: 10 Plates (5.8 x 5.5)	09/15/88
Helena Laboratories	REP-SP-6 Isoenzyme Kit Cat. No. 3172	Kit: 10 Plates (5.8 x 1.25)	09/15/88
Helena Laboratories	Super Z-12XHDL Cholesterol Supply Kit Catalog No. 5470).	Kit: 3 Packages buffer 36 g	01/24/86
Helena Laboratories	TITAN GEL Alkaline Phosphatase (HR) Cat# 3058.	Kit: 10 Plates	08/26/93
Helena Laboratories	TITAN GEL Alkaline Phosphatase (HR) Kit, Cat. No. 3058.	Kit: 1 bag	06/19/89
Helena Laboratories	TITAN GEL Alkaline Phosphatase Buffer	Plastic Bag: 13.1g	06/19/89
Helena Laboratories	TITAN GEL Alkaline Phosphatase Gel	Plate: 3.5x 2.9	08/26/93
Helena Laboratories	Titan Gel High Resolution Protein Buffer	Packet: 25.9 g	04/12/83
Helena Laboratories	Titan Gel High Resolution Protein Kit Catalog No. 3040.	Kit: 10 Plates (90mm x 75mm), 2 Packages Buffer.	03/03/86
Helena Laboratories	Titan Gel High Resolution Protein Plate	Plate: (90mm x 75mm)	03/03/86
Helena Laboratories	Titan Gel IFE Buffer	Packet: 25.9 g	12/18/85
Helena Laboratories	Titan Gel IFE Plate	Plate: (90mm x 75mm)	03/05/86
Helena Laboratories	Titan Gel ImmunoFix Kit Catalog No. 3046.	Kit: 10 Plates (90mm x 75mm), 2 Packets IFE Buffer.	01/24/86
Helena Laboratories	Titan Gel ImmunoFix Plus Kit # 3067	Kit: 10 plates, 1 pkg IFE buffer	03/09/93
Helena Laboratories	Titan Gel ImmunoFix-9 Kit # 3051	Kit: 10 plates, 1 pkg IFE buffer	03/09/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Helena Laboratories	Titan Gel Iso Dot LDH Buffer	Packet: 19.6 g	01/07/86
Helena Laboratories	Titan Gel Iso Dot LDH Isoenzyme Plate	Plate: (90mm x 75mm)	12/18/85
Helena Laboratories	Titan Gel Iso Dot LDH Kit Catalog No. 3062.	Kit: 10 Plates (90mm x 75mm), 1 Packet Iso Dot LDH Buffer.	01/24/86
Helena Laboratories	Titan Gel LD Buffer	Packet: 21.5 g	11/26/86
Helena Laboratories	Titan Gel LD Isoenzyme Diluent	Bottle: 10 ml	11/26/86
Helena Laboratories	Titan Gel LDH Isoenzyme Buffer	Packet: 22.7 g	03/07/83
Helena Laboratories	Titan Gel LDH Isoenzyme Plate	Plate: (90mm x 75mm)	12/18/85
Helena Laboratories	Titan Gel LDH Isoenzyme Reagent	Vial: 2ml, 10 vials/box	01/07/86
Helena Laboratories	Titan Gel Lipoprotein Buffer	Packet: 17.3 g	12/18/85
Helena Laboratories	Titan Gel Lipoprotein Kit Catalog No. 3045.	Kit: 1 Packet Buffer	01/24/86
Helena Laboratories	Titan Gel Lipoprotein Plate	Plate: (90 x 75 mm)	01/09/87
Helena Laboratories	Titan Gel Multi-Slot Lipo-17 Kit Catalog No. 3095.	Kit: 10 plates (81 x 143 mm) 1 packet buffer (21.6 g).	01/09/87
Helena Laboratories	Titan Gel Multi-Slot Lipo-17 Plate	Plate: (81 x 143 mm)	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP-17 Kit Catalog No. 3091.	Kit: 10 plates (81 x 143 mm) 1 packet buffer (29.1 g).	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP-17 Plate	Plate: 81 x 143 mm	01/09/87
Helena Laboratories	Titan Gel Serum Protein Buffer	Packet: 29.1 g	04/12/83
Helena Laboratories	Titan Gel Serum Protein Kit Catalog No. 3041.	Kit: 10 Plates (90mm x 75mm), 1 Packet Buffer.	01/24/86
Helena Laboratories	Titan Gel Serum Protein Plate	Plate: (90mm x 75mm)	12/18/85
Helena Laboratories	Titan Gel Silver Stain Buffer	Packet: 25.9 g	12/18/85
Helena Laboratories	Titan Gel Silver Stain Kit Catalog No. 3035.	Kit: 10 Plates (90mm x 75mm), 2 Packets Buffer.	01/24/86
Helena Laboratories	Titan Gel Silver Stain Plate	Plate: (90mm x 75mm)	03/03/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Kit Catalog No. 3053.	Kit: 10 Plates (90mm x 75mm), 1 Packet LDH Buffer, 1 Box LDH Reagent.	01/24/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Plate	Plate: (90mm x 75mm)	12/18/85
Helena Laboratories	Titan III Agar Catalog No. 5023	Packet: 5 g (5 Packets/box)	12/28/73
Helena Laboratories	Titan IV IE Plate (large)	Package: plates, 3 by 4 in	12/28/73
Helena Laboratories	Titan IV IE Plate (small)	Package: plates, 1 by 3 in	12/28/73
Helena Laboratories	Titan IV IE Plate Kit	Kit: 12 small (1 by 3 in.) IE plates, 1 box B1 Buffer.	12/28/73
Helena Laboratories	Titan IV IE Plate Kit	Kit: 10 large (3 by 4 in.) IE Plates, 1 box B1 Buffer.	12/28/73
High Standard Products	(DL) Methamphetamine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	(DL) Methamphetamine-d10 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	(DL) Methamphetamine-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	11-Nor-Delta-8-Carboxy-Tetrahydrocannabinol 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	11-Nor-Delta-9-Carboxy-Tetrahydrocannabinol 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	11-Nor-Delta-9-Carboxy-Tetrahydrocannabinol-d10 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	11-Nor-Delta-9-Carboxy-Tetrahydrocannabinol-d3 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	3, 4-Methylenedioxymethamphet- amine (MDMA) 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	3, 4-Methylenedioxymethamphet- amine-d5 (MDMA) 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	3-Methylfentanyl 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	3-Methylfentanyl-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	4-Methoxyamphetamine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	4-Methoxyamphetamine-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	6-Acetylmorphine-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Benzoylecgonine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Benzoylecgonine Propyl Ester 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Benzoylecgonine-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Benzoylecgonine-d8 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Cocaethylene-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Cocaethylene-d8 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Cocaine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Cocaine-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Cocaine-d8 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Codeine 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Codeine-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Codeine-d6 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	DL Amphetamine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	DL Amphetamine-d10 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	DL Amphetamine-d5 100ug/ml	Ampule: 2ml	05/11/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
High Standard Products	Delta-8-Tetrahydrocannabinol 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Delta-9-Tetrahydrocannabinol 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Delta-9-Tetrahydrocannabinol 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Delta-9-Tetrahydrocannabinol-d10 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	Delta-9-Tetrahydrocannabinol-d6 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	Diazepam 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Diazepam-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Diphenoxylate 1.0 mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Ecgonine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Ecgonine Methyl Ester 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Ecgonine Methyl Ester-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Ecgonine-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Fentanyl 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Fentanyl-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Hydrocodone 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Hydrocodone-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Hydromorphone 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Hydromorphone-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Lysergic Acid Diethylamide-dl 25ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Lysergic Acid N-Methyl-Propylamide (LAMPA) 25ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	Methadone 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Methadone-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Methaqualone 1.0 mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Methaqualone-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Methylenedioxyamphetamine (MDA) 1.0mg/ml.	Ampule: 2ml	05/11/93
High Standard Products	Methylenedioxyamphetamine (MDA) d-5 100ug/ml.	Ampule: 2ml	05/11/93
High Standard Products	Morphine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Morphine-d3 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Norcocaine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Norcodeine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Nordiazepam 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Nordiazepam-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Normorphine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Oxazepam 1.0mg/ml	Ampule: 2ml	05/11/9
High Standard Products	Oxazepam-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Phencyclidine 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Phencyclidine-d10 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Phencyclidine-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standard Products	Temazepam 1.0mg/ml	Ampule: 2ml	05/11/93
High Standard Products	Temazepam-d5 100ug/ml	Ampule: 2ml	05/11/93
High Standards Products	6-Acetylmorphine 100ug/ml	Ampule: 2ml	05/11/93
High Standards Products	Cocaethylene 1.0mg/ml	Ampule: 2ml	05/11/93
High Standards Products	Lysergic Acid Diethylamide 25 ug/ml	Ampule: 2ml	05/11/93
High Standards Products	Lysergic Acid Diethylamide-d3 25 ug/ml	Ampule: 2ml	05/11/93
Hycor Biomedical, Inc	Hycor AccuPINCH Cocaine Test	Bottle: 3ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc	Hycor AccuPINCH Morphine Test	Bottle: 3ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc	Hycor AccuPINCH Phencyclidine Test	Bottle: 3ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc	Hycor Accupinch Methamphetamine Test	Bottle: 3ml; Kit: 50 Tests	10/29/91
Hycor Biomedical, Inc	Hycor Accupinch THC Test	Bottle: 3ml; Kit: 50 Tests	10/29/91
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator BARBITURATES Urine Calibrator—4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator DELTA-9-THC Urine Calibrator—4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator NORDIAZEPAM Urine Calibrator—3 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator OPIATES Urine Calibrator—4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator PHENCYCLIDINE Urine Calibrator—4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator Amphetamine Urine Calibrator—4 level	Vial. 10ml, Kit: 12 vials. Kit: 4 vials	03/29/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator, Benzoylecgonine Urine Calibrator—4 level.	Vial: 10ml, Kit: 12 vials, Kit: 4 vials	03/29/89
Hycor Biomedical, Inc	Sentry Ligand/Combo Control High Level	Vial: 10ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc	Sentry Ligand/Combo Control Low Level .	Vial: 10ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc	Sentry Ligand/Combo Control Mid Level ..	Vial: 10ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc	Sentry Ligand/Combo Control Multi-Pack	Kit: 15 vials	03/01/90
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, HIGH POSITIVE.	Bottle: 30ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, LOWER THRESHOLD.	Bottle: 30ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, UPPER THRESHOLD.	Bottle: 30ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Urine Control, CONFIRMATION.	Box: 4-100 ml Bottles	10/21/88
Hycor/ICL Scientific	Drugs of Abuse Urine Control, SCREEN .	Box: 4-30 ml Bottles	10/21/88
ICL Scientific	Therapeutic Drug Control I, TDC I (High Level).	Glass Vial: 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control I, II, III, Tri-Level TDC Multipack.	Glass Vials (12): 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control II, TDC II (Mid-Level).	Glass Vial: 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control III, TDC III (Low Level).	Glass Vial: 10ml	08/14/85
ICN Micromedic Systems, Inc	Immunogen: BZ-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc	Immunogen: BZ-B	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc	Immunogen: CD-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc	Immunogen: M-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc	Immunogen: M-B	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc	Immunogen: TF-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc	Micromedic Combostat THC/Cocaine STANDARDS-2, 3, and 4.	Amber Glass Vial: 2 ml Plastic Bottle: 100 ml.	02/24/88
ICN Micromedic Systems, Inc	Micromedic CrackPot 57Co/125I Tracer Solution.	Plastic Bottle: 25 ml, 1000 ml	02/24/88
ICN Micromedic Systems, Inc	Micromedic Morphine 125I Tracer Solution.	Bottle: 50 ml, 1000 ml	02/29/88
ICN Micromedic Systems, Inc	Micromedic Morphine Standards 2, 3 and 4.	Bottle: 5 ml, 100 ml	02/29/88
INCSTAR Corporation	(125I) Human TSH Tracer Cat. No. CA-2623.	Vial: 15ml	03/08/91
INCSTAR Corporation	Anticonvulsant Drug Controls Levels I and II Cat. Nos. CA-2419, CA-2420.	Vial: 3.5ml	03/08/91
INCSTAR Corporation	Assay Buffer Cat. No. CA-2742	Bottle: 150ml	03/08/91
INCSTAR Corporation	Clinical Assays Gamma Coat (125I) Phenobarbital Radio- immunoassay Kits Cat. Nos. CA-2545, CA-2565.	Kit: 50, 500 assays	03/08/91
INCSTAR Corporation	Clinical Assays Gamma Coat (125I) Phenytoin Radioimmunoassay Kits Cat. Nos. CA-2537, CA-2557.	Kit: 50, 500 assays	03/08/91
INCSTAR Corporation	Clinical Assays Gamma Coat (125I) T3 Uptake Radioimmunoassay Kit Catalog Nos. CA-2539, CA-2539J, CA-2559, CA-2559J.	Kit: 100, 500 assays	03/08/91
INCSTAR Corporation	Clinical Assays Gamma Dab (125I) hTSH Radioimmunoassay Kit Cat. No. CA-1591.	Kit: 125 assays; Vial: 15ml	03/08/91
INCSTAR Corporation	HTSH Non-Specific Binding Reagent Cat. No. CA-2752.	Vial: 3.5ml	03/08/91
INCSTAR Corporation	Human TSH Controls Levels I & II Cat. Nos. CA-2452, CA-2453.	Vial: 3.5ml	03/08/91
INCSTAR Corporation	Human hTSH Blank Cat. No. CA-2885	Vial: 15ml	03/08/91
INCSTAR Corporation	Phenobarbital Standards: 1, 3, 10, 30, 100 ug/ml Cat. Nos. CA-2380-2384.	Bottle: 3.5ml	03/08/91
INCSTAR Corporation	Rabbit Anti-Human TSH Serum Cat. No. CA-2145.	Vial: 15ml	03/08/91
INCSTAR Corporation	hTSH Standards: 2, 5, 10, 20, 50 uIU/ml Cat. Nos. CA-2886-2890.	Bottle: 3.5ml	03/08/91
Immunotech Corp	Amphetamine Enzyme Conjugate	Bottle: 10.5ml	09/28/89
Immunotech Corp	Amphetamine Positive Urine Calibrator	Bottle: 1ml	09/28/89
Immunotech Corp	Amphetamine-ALK Phos Cat. No. 612; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp	Amphetamine-HRP Cat. No. 613; 50 units	Bottle: 10ml	03/12/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Immunotech Corp	Benzoylecgonine-Alk Phos Cat.# 602; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp	Benzoylecgonine-HRP Cat. No. 604; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp	Cocaine Conjugate No. 0364-SIG	Bottle: 75ml	06/13/91
Immunotech Corp	Cocaine Metabolite Enzyme Conjugate	Vial: 10.5ml	09/28/89
Immunotech Corp	Cocaine Metabolite Positive Urine Calibrator.	Vial: 2ml	09/28/90
Immunotech Corp	Delta-8-tetrahydrocannabinol-ALK Phos Cat. No. 616; 50 units, 300 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Delta-8-tetrahydrocannabinol-HRP Cat. No. 618; 50 units.	Bottle: 10ml	03/12/90
Immunotech Corp	ENDAB Phenobarbital Kit, Cat. No. 119	Kit: 100 tests, 4 Bottles: 1 ml ea.	09/28/89
Immunotech Corp	Methamphetamine-ALK Phos Cat. No. 614; 50 units.	Bottle: 10ml	03/12/90
Immunotech Corp	Methamphetamine-HRP Cat. No. 615; 50 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Micro Dau Amphetamine Enzyme Immunoassay Test Kit.	Kit: 96 tests, Bottle: 10.5 ml, 2 ml	09/28/89
Immunotech Corp	Micro Dau Benzodia- zepine Enzyme Immunoassay Test Kit.	Kit: 96 tests, Bottle: 10.5 ml, 2 ml	09/28/89
Immunotech Corp	Micro Dau Cocaine Metabolite Enzyme Immunoassay Test Kit.	Kit: 96 tests, Bottle: 10.5 ml, 2 ml	09/28/89
Immunotech Corp	Micro Dau Opiates Enzyme Immunoassay Test Kit.	Kit: 96 tests	12/19/89
Immunotech Corp	Micro Dau PCP Enzyme Immunoassay Kit Cat. No. 175.	Kit: 96 tests	07/11/90
Immunotech Corp	Micro Dau THC Enzyme Immunoassay Test Kit Cat. No. 173.	Kit: 96 tests	07/11/90
Immunotech Corp	Morphine Positive Urine Calibrator	Vial: 3.5 ml	12/19/89
Immunotech Corp	Morphine-ALK Phos Cat. No. 610; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp	Morphine-HRP Cat. No. 611; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp	Opiates Enzyme Conjugate	Vial: 10 ml	12/19/89
Immunotech Corp	Oxazepam Enzyme Conjugate	Bottle: 10.5ml	09/28/89
Immunotech Corp	Oxazepam Positive Urine Calibrator	Bottle: 2ml	09/28/89
Immunotech Corp	Oxazepam-ALK Phos Cat. No. 606; 50 units.	Bottle: 10ml	03/12/90
Immunotech Corp	Oxazepam-HRP Cat No. 608; 50 units	Bottle: 10ml	03/12/90
Immunotech Corp	PCP Enzyme Conjugate Cat. No. 375	Vial: 20ml	07/11/90
Immunotech Corp	PCP Positive Urine Calibrator Cat. No. 418.	Vial: 3ml	07/11/90
Immunotech Corp	Phenobarbital Enzyme Conjugate	Bottle: 10.0ml	09/28/89
Immunotech Corp	Phenobarbital Serum Standard: 3ug/ml, 10ug/ml, 30ug/ml, 80ug/ml.	4 Bottles: 1ml each	09/28/89
Immunotech Corp	THC Enzyme Conjugate Cat. No. 373	Vial: 20ml	07/11/90
Immunotech Corp	THC Positive Urine Calibrator Cat No. 416 50ng/ml, 417 100ng/ml.	Vial: 3ml	07/11/90
Industrial Analytical Laboratory, Inc	11-Nor-Carboxy-Delta-9-Tetrahydrocannabinol.	Ampule: 1ml	09/04/85
Industrial Analytical Laboratory, Inc	11-hydroxy-delta-9-tetrahydrocannabinol	Ampule: 1 ml	02/18/87
Industrial Optical	Opti-Kleen	Bottle: 5 gallon	06/24/81
International BioClinical, Inc	Innofluor Phenobarbital Calibrators 0.0, 3.0, 8.0, 20.0, 40.0, and 80.0 mcg/ml.	Bottle: 3 ml	07/09/87
International BioClinical, Inc	Phenobarbital Stock Tracer	Vial: 5 ml	09/23/87
International Technidyne Corp	Hemochron Control Plasma Quality Control Test Kit.	Kit: 18 Tests; Test tube: 9ml; Vial: 5ml	03/11/91
Janssen Pharmaceutica, Inc	3H Alfentanil	Vial: 0.5 ml	02/01/87
Janssen Pharmaceutica, Inc	3H Fentanyl	Vial: 0.5 ml	02/01/87
Janssen Pharmaceutica, Inc	3H Sufentanil	Vial: 0.5 ml	02/01/87
Janssen Pharmaceutica, Inc	Alfentanil Radioimmunoassay Kit	Kit: 200 tests	05/13/85
Janssen Pharmaceutica, Inc	Fentanyl Radioimmunoassay Kit	Kit: 200 tests	05/13/85
Janssen Pharmaceutica, Inc	Sufentanil Radioimmunoassay Kit	Kit: 500 tests	05/13/85
Kallestad Diagnostics	Barbital Buffer 901	Vial	05/19/81
Kallestad Diagnostics	IEP Buffer No. 900	Vial: 7 Dram	12/26/78
Kallestad Diagnostics	Immunoelectrofilm Catalog No.910	1 Film Sealed in Cardboard Container	03/11/80
Kallestad Diagnostics	Immunoelectrofilms, Catalog No. 1013	Styrofoam Container: 25 film	06/22/87
Kallestad Diagnostics	Immunoelectrophoresis Reagent Kit, Catalog No. 1012.	Kit: 3 Vials	06/22/87
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Kit Catalog No. 823.	Kit: 400 Determinations	12/16/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Kit, Catalog No. 833.	Kit: 100 tests	06/24/81
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Reagent Catalog No. 785.	Bottle: 500ml	12/16/85
Kallestad Diagnostics	Quanticoat 125I-T3 Uptake Reagent No.834.	2 Glass Bottles: 110ml	06/24/81
LKB Instruments, Inc	Tris-barbiturate Buffer pH 8.6	Packet: each 6.788 g. 20 packets/box	05/15/78
Lemmon Company	Etorphine Standard Solution	Plastic Carboy: 1 Liter	10/31/83
MCI Biomedical	IEP Buffer, pH 8.2, 0.04 Ionic Strength	Package: 6.510 grams	08/28/72
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl) Barbituric Acid.	Screw Cap Vial: 8ml	05/03/73
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl)Barbituric Acid Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial: 8ml	05/03/73
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl)Barbituric Acid Sensitized RBC.	Vaccine Vial: 8ml	05/03/73
Materials & Technology Systems	Barbiturate Standard	Screwcap Vial: 10ml	09/17/76
Materials & Technology Systems	Benzoyl Ecgonine	Screw Cap Vial: 25mg and 100 mg	04/18/74
Materials & Technology Systems	Benzoylecgonine Standard	Screwcap Vial: 10ml	09/17/76
Materials & Technology Systems	Carboxymethyl-Morphine	Screw Cap Vial: 8ml	05/03/73
Materials & Technology Systems	Carboxymethyl-Morphine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial: 8ml	05/03/73
Materials & Technology Systems	Carboxymethylmorphine Sensitized RBC .	Vaccine Vial: 50ml	05/03/73
Materials & Technology Systems	Ecgonine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial: 8ml	05/03/73
Materials & Technology Systems	Ecgonine Sensitized RBC	Vaccine Vial: 50ml	05/03/73
Materials & Technology Systems	Methadone Standard	Screwcap Vial: 10ml	09/17/76
Materials & Technology Systems	Morphine Standard	Screw Cap Vial: 10ml	07/17/73
Materials & Technology Systems	Tropinecarboxylic Acid	Screw Cap Vial: 8ml, 10ml	05/03/73
McGean-Rocho, Inc	Chloral Solution Denatured	Plastic container; 1, 5, 55 Gallons	1/11/91
McGean-Rocho, Inc	Reflexion Semi-Bright B	Plastic container; 1, 5, 55 Gallons	1/11/91
McGean-Rocho, Inc	Reflexion Semi-Bright S	Plastic container; 1, 5, 55 Gallons	1/11/91
Medi-Chem, Inc	Barbiturate Test Set (Sodium Secobarbital Standard 10mg % w/v) Catalog No.250.	Bottle: 120ml	02/22/74
Medical Analysis Systems, Inc	ACE II Calibrator for the DuPont aca Level 1.	Glass Vial: 22 x 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc	ACE II Calibrator for the DuPont aca Level 2.	Glass Vial: 22 x 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc	ACE II Calibrator for the DuPont aca Level 3.	Glass Vial: 22 x 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc	Amobarbital, #117 Intermediate Solution ..	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	Benzoylecgonine, #432 Intermediate Solution.	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	Benzoylecgonine, #483 Intermediate Solution.	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	Benzoylecgonine, #719 Intermediate Solution.	Bottle: 10-1800ml	10/22/93
Medical Analysis Systems, Inc	Butalbital, #429 Intermediate Solution	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	CHALLENGE Liquid Therapeutic Drug Linearity Controls.	Kit: 10 Bottles	01/24/91
Medical Analysis Systems, Inc	CHALLENGE Liquid Therapeutic Drug Linearity Controls TD1 A-E; TD2 A-E.	Glass Bottles: 5ml; 1 Set: 5 Bottles	01/24/91
Medical Analysis Systems, Inc	ChemTrak Liquid Unassayed	Vial: 15ml	04/30/85
Medical Analysis Systems, Inc	Chemistry Control Assayed, Level 1, 2, & 3.	Vial: 15ml	04/30/85
Medical Analysis Systems, Inc	Chemistry Control, Level 1, 2, & 3	Vial: 15ml	04/30/85
Medical Analysis Systems, Inc	Clonazepam, #473 Intermediate Solution .	Bottle: 50-500ml	10/22/93
Medical Analysis Systems, Inc	Codeine, #435 Intermediate Solution	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	D-Amphetamine, #423 Intermediate Solution.	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	D-Methamphetamine, #422 Intermediate Solution.	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	DOA Calibrator 1, #1921 Bulk Solution	Bottle: 10-100L	10/22/93
Medical Analysis Systems, Inc	DOA Calibrator 2, #1922 Bulk Solution	Bottle: 10-100L	10/22/93
Medical Analysis Systems, Inc	DOA Calibrator 2, #C38979 Bulk Solution	Bottle: 10-100L	10/22/93
Medical Analysis Systems, Inc	DOA Calibrator 3, #C38978 Bulk Solution	Bottle: 10-100L	10/22/93
Medical Analysis Systems, Inc	DOA Calibrator 4, #C38980 Bulk Solution	Bottle: 10-100L	10/22/93
Medical Analysis Systems, Inc	DOA Control 2, #1912 Bulk Solution	Bottle: 20-200L	10/22/93
Medical Analysis Systems, Inc	DOA Control 3, #1943 Bulk Solution	Bottle: 20-100L	10/22/93
Medical Analysis Systems, Inc	DOA Control 3, #1913 Bulk Solution	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	DOA Control 4, #1914 Bulk Solution	Bottle: 20-300L	10/22/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Medical Analysis Systems, Inc	DOA Control 4, #1914P Pilot Solution	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	DOA Control 4, #1944 Bulk Solution	Bottle: 20-100L	10/22/93
Medical Analysis Systems, Inc	DOA Control 4, #1944P Pilot Solution	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	DOA Control G2, #1915 Bulk Solution	Bottle: 20-200L	10/22/93
Medical Analysis Systems, Inc	DOA Control G3, #1916 Bulk Solution	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	DOA Control G4, #1917 Bulk Solution	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	DOA Control G4, #1917P Pilot Solution	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	DOA Cutoff Control, #1946 Bulk Solution	Bottle: 1-10L	10/22/93
Medical Analysis Systems, Inc	DOA Cutoff Control, #1946P Pilot Solution.	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	DOA High Control, #1945 Bulk Solution	Bottle: 1-10L	10/22/93
Medical Analysis Systems, Inc	DOA Liquid Drugs of Abuse Controls Level 2, 3, 4.	Vial: 5ml, 18ml; Box: 6-8ml vials; Box: 8-5ml vials.	10/12/90
Medical Analysis Systems, Inc	DOA Low Control, #1947 Bulk Solution	Bottle: 1-10L	10/22/93
Medical Analysis Systems, Inc	DOA Positive Control, #1924 Bulk Solution.	Bottle: 10-100L	10/22/93
Medical Analysis Systems, Inc	DOA Positive Control, #1924P Pilot Solution.	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	DOA Positive Control, #C38981 Bulk Solution.	Bottle: 10-100L	10/22/93
Medical Analysis Systems, Inc	Diazepam, #430 Intermediate Solution	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	Liquid Urine Control Level 1	Vial: 5 ml	04/03/87
Medical Analysis Systems, Inc	Liquimmune Immunoassay Control 1, #2300 Bulk Solution.	Bottle: 40-100L	10/22/93
Medical Analysis Systems, Inc	Liquimmune Immunoassay Control 1, #2300P Pilot Solution.	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	Liquimmune Immunoassay Control 2, #2301 Bulk Solution.	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	Liquimmune Immunoassay Control 3, #2302 Bulk Solution.	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	Liquimmune Immunoassay Control 3, #2302P Pilot Solution.	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	Methadone, #438 Intermediate Solution	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	Methaqualone, #439 Intermediate Solution.	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	Morphine Glucuronide, #433 Intermediate Solution.	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	Morphine, #434 Intermediate Solution	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	Nordiazepam, #431 Intermediate Solution	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	Pentobarbital, #426 Intermediate Solution	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	Phencyclidine, #437 Intermediate Solution	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	Phenobarbital, #418 Intermediate Solution	Bottle: 50-700ml	10/22/93
Medical Analysis Systems, Inc	Phenobarbital, #425 Intermediate Solution	Bottle: 10-100ml	10/22/93
Medical Analysis Systems, Inc	Phenobarbital, #745 Intermediate Solution	Bottle: 50-200ml	10/22/93
Medical Analysis Systems, Inc	Propoxyphene, #440 Intermediate Solution.	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	Secobarbital, #427 Intermediate Solution	Bottle: 10-250ml	10/22/93
Medical Analysis Systems, Inc	TDM Plus.XL Level I, II or III Unassayed Enhanced Liquid Drug Control.	Bottle: 5ml, Box: 6 bottles	09/05/90
Medical Analysis Systems, Inc	Testosterone, #748 Intermediate Solution	Bottle: 50-200ml	10/22/93
Medical Analysis Systems, Inc	Therapeutic Drug Monitoring Control 1, #1581 Bulk Solution.	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	Therapeutic Drug Monitoring Control 2, #1582 Bulk Solution.	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	Therapeutic Drug Monitoring Control 3, #1583 Bulk Solution.	Bottle: 20-300L	10/22/93
Medical Analysis Systems, Inc	Therapeutic Drug Monitoring Control 3, #1583P Pilot Solution.	Bottle: .1-1L	10/22/93
Medical Analysis Systems, Inc	Tri-Point LiquImmune Ligand Control, Levels 1, 2 and 3.	Glass Bottle: 5ml; Kit: 6 Bottles	10/23/91
Medical Analysis Systems, Inc	Tri-Point LiquImmune Ligand Control, Levels 1, 2 and 3.	Glass Bottle: 5ml; Kit: 6 bottles	10/23/91
Medical Analysis Systems, Inc	chemTRAK Liquid Unassayed Therapeuitic Drug Control Level 2.	Kit: 6 x 5ml Vials	10/08/86
Medical Analysis Systems, Inc	chemTRAK Liquid Unassayed Therapeutic Drug Control Level 3.	Kit: 6 x 5ml Vials	10/08/86
Medical Analysis Systems, Inc	chemTRAK Liquid Unassayed Therapeutic Drug Control Level 1.	Kit: 6 x 5ml Vials	10/08/86
Medical Analysis Systems, Inc	DOA Calibrator 4, #C38980P Pilot Solution.	Bottle: 20-300L	10/22/93
Meloy Labs, Inc	Counterelectrophoresis Plates, G-301	Plates: 10 determinations	09/05/73
Meloy Labs, Inc	Immunoelectrophoresis Plates, G-201	Plates: 6 / unit	09/05/73

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Merck and Co., Inc	Amphetamine - d6 HCl, Cat. No. MD-3892.	Ampule: 2 or 5 ml	08/30/89
Merck and Co., Inc	Cocaine - d3 HCl Catalog # MD-3677	Ampule: 2 or 5 ml.	06/13/88
Merck and Co., Inc	Codeine - d3 H2O (N-methyl-d3) No. MD-3776.	2 ml, 5ml ampule Carton: 5 ampules	09/06/88
Merck and Co., Inc	Codeine-d3 Catalog # MD-3678	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc	DL-1 Phenyl-2-aminopropane 1, 1, 2, 3, 3, 3, -d6 (Amphetamine-d6) Catalog # MD-3682.	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc	DL-1 Phenyl-2-methylaminopropane-1, 1, 2, 3, 3, 3-d6 HCl (Methamphetamine d6) Catalog # MD-3683.	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc	DL-1-Phenyl-2-aminopropane-1, 1, 2, 3, 3, 3-d6 HCL No. MD-3778.	2 ml, 5 ml amber ampule Carton: 5 ampules.	09/06/88
Merck and Co., Inc	Ecgonine - d3 Methyl Ester HCl Catalog # MD3679.	Ampule: 2 or 5 ml.	06/13/88
Merck and Co., Inc	Methamphetamine - d9 HCl, Cat. No. MD-3853.	Ampule: 2 or 5 ml	08/30/89
Merck and Co., Inc	Morphine - d3 HCl 3H20 (N-methyl-d3) No. MD-3777.	2 ml, 5 ml ampule Carton: 5 ampules	09/06/88
Merck and Co., Inc	Morphine - d3 HCl Catalog # MD-3680	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc	O-Benzoylecgonine-d3 Catalog # MD-3676.	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc	Phencyclidine-d5 HCl Catalog # MD-3681	Ampule: 2 or 5 ml	06/13/88
Microdiagnostics, Inc	Amphetamine Enzyme Conjugate	Bottle: 10ml	12/24/92
Microdiagnostics, Inc	Cocaine Enzyme Conjugate	Bottle: 10ml	12/24/92
Microdiagnostics, Inc	EIA for Amphetamine Metabolites	Kit: 2 bottles	12/24/92
Microdiagnostics, Inc	EIA for Cocaine Metabolites	Kit: 2 bottles	12/24/92
Microdiagnostics, Inc	EIA for Marijuana Metabolites	Kit: 2 bottles	12/24/92
Microdiagnostics, Inc	EIA for Opiate Metabolites	Kit: 2 bottles	12/24/92
Microdiagnostics, Inc	EIA for PCP Metabolites	Kit: 2 bottles	12/24/92
Microdiagnostics, Inc	Opiate Enzyme Conjugate	Bottle: 10ml	12/24/92
Microdiagnostics, Inc	PCP Enzyme Conjugate	Bottle: 10ml	12/24/92
Microdiagnostics, Inc	Positive Amphetamine Standard	Bottle: 2ml	12/24/92
Microdiagnostics, Inc	Positive Cocaine Standard	Bottle: 2ml	12/24/92
Microdiagnostics, Inc	Positive Opiate Standard	Bottle: 2ml	12/24/92
Microdiagnostics, Inc	Positive PCP Standard	Bottle: 2ml	12/24/92
Microdiagnostics, Inc	Positive THC Standard	Bottle: 2ml	12/24/92
Microdiagnostics, Inc	THC Enzyme Conjugate	Bottle: 10ml	12/24/92
Microgenics Corporation	Bulk Calibrator Solution 80ug/ml, 40ug/ml	Carboy: 10L	11/13/90
Microgenics Corporation	In-house Phenobarbital Bulk Primary Standard 40ug/ml, 80ug/ml.	Bottle: 2L	11/13/90
Microgenics Corporation	In-house Phenobarbital Primary Standard 40ug/ml, 80ug/ml.	Micro tube: 1.5ml; Box: 100 tubes	11/13/90
Microgenics Corporation	In-house manufacturing Bulk Calibrator 10ug/ml, 20ug/ml, 40ug/ml, 60ug/ml, 80ug/ml, 90ug/ml Phenobarbital.	Bottle: 2L	11/13/90
Microgenics Corporation	In-house manufacturing Calibrator 10ug/ml, 20ug/ml, 40ug/ml, 60ug/ml 80ug/ml, 90ug/ml Phenobaribtal.	Vial: 3.5ml	11/13/90
Microgenics Corporation	Microgenics CEDIA Phenobarbital Assay 40ug/ml, 80ug/ml.	Vial: 3.5ml; Kit: 2 vials	11/13/90
Microgenics Corporation	Phenobarbital Stock Solution	Flask: 100ml	11/13/90
Micromedic Systems	Micromedic Neonatal T4 125I Tracer Solution.	Nalgene Bottle: 4 oz.	06/25/87
Micromedic Systems	Micromedic Neonatal T4 Elution Solution	Nalgene Bottle: 2 oz.	06/25/87
Micromedic Systems	Neonatal T4 125I Tracer Solution	Vial: 30ml	05/21/80
Micromedic Systems	Neonatal T4 Buffer Solution	Bottle: 8 ounce	05/21/80
Micromedic Systems	T3 RIA 125I Tracer Solution	Vial: 30ml	12/14/76
Micromedic Systems	T3 RIA Buffer Solution	High Density Polyethylene Bottle: 8 ounce.	12/14/76
Micromedic Systems	T3 Uptake 125I Tracer Solution	Vial: 30ml	12/14/76
Micromedic Systems	T3 Uptake Buffer Solution	High Density Polyethylene Bottle: 8 ounce.	12/14/76
Micromedic Systems	T4 RIA 125I Tracer Solution	Vial: 30ml	12/14/76
Micromedic Systems	T4 RIA Buffer Solution	High Density Polyethylene Bottle: 8 ounce.	12/14/76
Miles Inc	Immuno-1 Setpoint TDM Calibrators Kit No. T03-2864. Component No. T13-2864(02-06).	Glass Bottles: 5ml; Kit: 5 Bottles	01/03/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Miles Inc	Technicon Immuno 1 TESTpoint Ligand Controls, Kit No. T03-3393-01; Level I T13-3394-01; Level II T13-3395-01; Level III T13-3396-01.	Glass vial; 5ml; Kit: 6 vials	3/16/92
Miles Inc	Technicon RA Systems Set Point	Vial: 5ml Kit: 5 vials	07/20/90
Miles Laboratories, Inc	SERALYZER ARIS Phenobarbital Calibrator Kit, # 6453.	Kit: 2 vials; 1ml/vial	04/29/93
Miles Laboratories, Inc	SERALYZER ARIS Phenobarbital Calibrator and Control Kit, # 6455T.	Kit: 4 vials; 1ml/vial	04/29/93
Miles Laboratories, Inc	SERALYZER ARIS Phenobarbital Control Kit, # 6454T.	Kit: 2 vials; 1ml/vial	04/29/93
Miles Laboratories, Inc	Seralyzer ARIS Drug Assay Control	Vial: 1ml	01/17/84
Miles Laboratories, Inc	Seralyzer ARIS Drug Assay High Calibrator.	Vial: 0.5ml	01/17/84
Miles Laboratories, Inc	Seralyzer ARIS Drug Assay Low Calibrator.	Vial: 0.5ml	01/17/84
Miles Laboratories, Inc	Seralyzer ARIS Phenytoin Reagent Strips	Bottle Containing 25 and 50 Strips	05/28/86
Miles Laboratories, Inc	T-4 Buffer	Glass Screwtop Vial: 3/4 ounce	03/28/77
Monobind, Inc	Monobind T3 Antibody Reagent	Test Tube w/Cap: 70ml	11/08/77
Monobind, Inc	Monobind T3 Tracer Reagent	Wheaton Glass Container: 55ml	11/08/77
Monobind, Inc	Monobind T4 Antibody Reagent	Test Tube w/Cap: 70ml	11/08/77
Monobind, Inc	Monobind T4 Tracer Reagent	Wheaton Glass Container 55ml	11/08/77
Monobind, Inc	Monobind TSH Antibody Reagent	Test Tube w/Cap: 10.5ml	11/08/77
Monobind, Inc	Monobind TSH Non-Specific Buffer	Wheaton Glass: 1.05ml	11/08/77
Monobind, Inc	Monobind TSH Precipitating Reagent	Plastic Container w/Cap : 105ml	11/08/77
Monobind, Inc	Monobind TSH Tracer Reagent	Wheaton Glass Container 10.5ml	11/08/77
Monobind, Inc	T3 Adsorbent Reagent	Glass Bottle: 110ml, 50ml Plastic Bottle: 260ml.	05/15/78
Monobind, Inc	T3 Uptake Tracer Reagent	Glass Bottle: 55ml, 30ml Plastic Bottle: 125ml.	05/15/78
Monobind, Inc	TSH Radioimmunoassay Test System	Kit: 100 Tests	11/08/77
Monobind, Inc	Thyroxine Radioimmunoassay Test System.	Kit: 100 Tests	11/08/77
Monobind, Inc	Triiodothyronine Radioimmunoassay Test System.	Kit: 100 tests	11/08/77
Monoclonal Antibodies, Inc	Test Kit for Cocaine Metabolites in Urine .	Kit: 50 tests	10/17/86
Monoclonal Antibodies, Inc	Test Kit for Opiates in Urine	Kit: 50 tests	10/17/86
Monoclonal Antibodies, Inc	Test Kit for Tetrahydrocannabinol (THC) in Urine.	Kit: 50 tests	10/17/86
NSI Technology Services Corp	Alpha, alpha-dimethyl-phenethylamine	Amber Ampoule: 2ml	03/02/89
Nuclear Diagnostics, Inc	MAAT T3 Uptake Reagent	Bottle: 105ml, 210ml; Kit: 1 bottle 210ml .	11/16/90
Nuclear Diagnostics, Inc	SPINSEP-TBG Reagent Catalog No. 17100.	Polypropylene Bottle: 105ml	12/15/77
Nuclear Diagnostics, Inc	TETRIA P.E.G. Antiserum Catalog No. 16100A.	Polypropylene Bottle: 55ml	03/10/78
Nuclear Diagnostics, Inc	TETRIA P.E.G. Reagent Catalog No. 16100.	Polypropylene Bottle: 105ml	07/08/77
Nuclear Diagnostics, Inc	TETRIA P.E.G. Reagent Catalog No. 16100R.	Polypropylene Bottle: 55ml	03/10/78
Nuclear Diagnostics, Inc	TRIA-P.E.G. Antiserum Catalog No. 12100A.	Polypropylene Bottle: 55ml	03/10/78
Nuclear Diagnostics, Inc	TRIA-P.E.G. Reagent Catalog No.12100R	Polypropylene Bottle: 55ml	03/10/78
OMI International Corporation	Compound N Solution	Steel Drum: 55 gallon	10/01/75
Organon Teknika Corp	ASSURE, Levels I & II	Vial: 10 ml	06/27/80
Organon Teknika Corp	Barbital Buffered Saline with Azide	Plastic Bottle: 1L	01/05/90
Organon Teknika Corp	Bovine QAS Clinical Study	6 Vials/Kit (10ml/vial)	04/28/80
Organon Teknika Corp	Liothyronine T3 125I	Boston Round Amber Bottle: 16 ounce	01/20/76
Organon Teknika Corp	Liothyronine T3 125I	Boston Round Amber Bottle: 4 ounce	02/18/79
Organon Teknika Corp	Midwest/ Illinois/ New Jersey Quality Control Program, Level I & II.	Vial: 10 ml, 10 vials / kit	04/16/81
Organon Teknika Corp	Modified Barbital Buffer	Plastic Bottle: 1L	01/05/90
Organon Teknika Corp	Owren's Veronal Buffer for FIBRIQUIK	Bottle: 37 ml	05/07/80
Organon Teknika Corp	PACP I & II	Kit: 36 vials/kit	03/07/80
Organon Teknika Corp	PROFILE Anticonvulsant Levels I & II	Vial: 10 ml	11/28/80
Organon Teknika Corp	Platelin	Vial: 7.3ml	03/13/72
Organon Teknika Corp	Platelin Plus Activator	Vial: 7.3ml	03/13/72
Organon Teknika Corp	Profile General Set	Kit Ctg: 6 vials	02/22/82
Organon Teknika Corp	Profile General—Levels I & II	Vial: 5 ml	02/22/82
Organon Teknika Corp	Quality Assurance Serum Level I	Vial: 16.5 ml, 6 vials/ kit	08/17/78
Organon Teknika Corp	Quality Assurance Serum Level II	Vial: 16.5 ml, 6 vials/ kit	08/17/78
Organon Teknika Corp	Russell's Viper Venom Reagent	Vial: 7.3ml containing 48 mg of powder	07/08/74
Organon Teknika Corp	Simplastin	Vial: 4.7ml, 7.3ml, and 16.5ml	03/13/72

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Organon Teknika Corp	Simplastin-A	Vial: 7.3ml	03/13/72
Organon Teknika Corp	T-4 125I Reagent	Boston Round Bottle. 2 ounce, amber bottle, 7 dr.	01/20/76
Organon Teknika Corp	T-4 Antiserum (rabbit)	Boston Round Bottle: 4 ounce, clear bottle, 7 dr.	01/20/76
Organon Teknika Corp	TETRA-TAB-RIA T4 Diagnostic Kit	Kit: 40 tests, 200 tests	01/20/76
Organon Teknika Corp	TETRA-TUBE RIA T4 Diagnostic Kit	Kit: 100 tests, 500 tests	06/03/83
Organon Teknika Corp	TGTR Set	Package: 4 Tests per set	03/13/72
Organon Teknika Corp	TRI-TAB T3 Uptake Diagnostic Kit	Kit: 200 Tests	01/20/76
Organon Teknika Corp	TRI-TAB T3 Uptake Diagnostic Kit	Kit: 40 tests	02/18/79
Organon Teknika Corp	TRIS/Barbital Buffer	Plastic Bottle: 1L	01/05/90
Organon Teknika Corp	Unassayed Chemistry Serum Control, Levels I & II.	Vial: 25 ml	06/27/80
Ortho Diagnostic Systems, Inc	Activated ThromboFAX No.721000	Bottle: 3.2ml	09/21/71
Ortho Diagnostic Systems, Inc	Ortho Activated PTT Reagent	Glass Vial: 30 determination size, 100	05/23/83
Ortho Diagnostic Systems, Inc	Ortho Plasma Coagulation Control Level I	Glass Vial: 5ml	10/25/83
Ortho Diagnostic Systems, Inc	Ortho Plasma Coagulation Control Level II.	Glass Vial: 5ml	10/25/83
Othro Diagnostic Systems, Inc	ORTHO Owren's Buffer	Kit: 6-20 ml vials	08/26/88
PB Diagnostic Systems, Inc	OPUS Phenobarbital Calibrators: 5, 10, 20, 40, 80ug/ml.	Vial: 2.5ml Carton: 5 vials	08/07/90
PB Diagnostic Systems, Inc	OPUS Phenobarbital Test Modules	Plastic Test Module, Tray: 5 modules, Carton: 50 modules.	08/07/90
PB Diagnostics Systems, Inc	Estradiol Reagent	6 Vials; 1ml/vial	10/28/93
PB Diagnostics Systems, Inc	Estradiol Test Module	Plastic plate: 1.7x .7x 3.5	10/28/93
PB Diagnostics Systems, Inc	OPUS Estradiol Kit	Kit: 50 Tests	10/28/93
Pacific Hemostasis	Barbital Buffered Saline	Vial: 100ml	05/24/84
Pacific Hemostasis	Barbital Buffered Saline with Heparin	Vial: 90ml	05/24/84
Pacific Hemostasis	Diluting Fluid	Vial: 20ml	05/24/84
Pantex	Immuno T3 Kit: (1)L-Triiodothyronine 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.	Kit Containing Bottles: (1)10ml (2)10ml (3)50ml (4)5ml (5)3ml.	01/04/79
Pantex	Immuno-Digoxin Kit Containing: (1)Digoxin 125I (2)1st Antiserum (3) 2nd Antiserum (4)Diluent.	Kit Containing Bottles: (1)10ml (2)20ml (3)50ml (4)5ml.	01/04/79
Pantex	Immuno-Estriol 125I Kit: 2nd Antiserum	Bottle: 50ml	01/04/79
Pantex	Immuno-Estriol Kit: (1)Estriol 3H RIA (2)Estriol 3H Recovery (3)1st Antiserum (4)2nd Antiserum (5)Diluent (6)Buffer (7)Standards.	Kit Containing Bottles: (1)10ml (2)5ml (3)10ml (4)20ml (5)100ml (6)50ml (7)5ml.	01/04/79
Pantex	Immuno-T4 Kit: (1)Thyroxine 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.	Kit Containing Bottles: (1)100ml, 1000ml (2)50ml (3)100ml (4)5ml (5)3ml.	01/04/79
Pantex	Immuno-Testosterone 125I Kit: (1)Testosterone 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.	Kit Containing Bottles: (1)10ml (2)10ml (3)50ml (4)100ml (5)5ml.	01/04/79
Pantex	T3 Uptake Kit: L-Triiodothyronine 125I	Bottle: 100ml, 1000ml	01/04/79
Perkin-Elmer Corporation	Amphetamine Polarization Fluoroimmunoassay Kit.	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Barbiturates Polarization Fluoroimmunoassay Kit.	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Cocaine Polarization Fluoroimmunoassay Kit.	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Methadone Polarization Fluoroimmunoassay Kit.	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Morphine Polarization Fluoroimmunoassay Kit.	Kit: 100 tests	12/18/86
Perkin-Elmer Corporation	Opiates Polarization Fluoroimmunoassay Kit.	Kit: 100 tests	12/18/86
Princeton Separations, Inc	Panagel 16	Pouch: 1 slide	06/29/87
Princeton Separations, Inc	Panagel 8	Pouch: 1 slide	06/29/87
Princeton Separations, Inc	Panagel Electrobuffer	Fiber Drum: 25 kg	06/29/87
Princeton Separations, Inc	Panagel Electrode Buffer	Pouch: 18.3 gms	06/29/87
Princeton Separations, Inc	Panagel LD Isoenzyme Electrode Buffer	Pouch: 11.85 gms	06/29/87
Princeton Separations, Inc	Panagel LD Isoenzyme Slide	Pouch: 1 slide	06/29/87
Quality Assurance Service Corp	Q.A. Toxicology Blood Controls	Vial: 6ml, 12ml Plastic Bottle: 60ml, 90ml, 250ml, 625ml Glass Bottle: 6ml-100ml.	01/23/90
Quality Assurance Service Corp	Q.A. Toxicology Serum Controls	Vial: 6ml, 12ml Plastic Bottle: 60ml, 90ml, 250ml, 625ml Glass Bottle: 6ml-100ml.	01/23/90
Quality Assurance Service Corp	Q.A. Toxicology Urine Controls	Vial: 6ml, 12ml Plastic Bottle: 60ml, 90ml, 250ml, 625ml Glass Bottle: 6ml-100ml.	01/23/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Quantimetrix	Quantimetrix Anticonvulsant Serum Drug Control, Liquid Level II Control No. 17-0303-2.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17-0303-1.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17-0305-1.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level II Control No. 17-0305-2.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Urine Drugs of Abuse Control Catalog No. 12-2411-1.	Dropper Bottle: 15 ml	02/23/87
Quin-Tec, Inc	Additive SB-1	Drum: 55 gals.	05/11/87
Quin-Tec, Inc	Quin-Tec Brightener 402	Plastic Pail: 5 gallons, Plastic Drum: 55 gallons.	10/13/81
Quin-Tec, Inc	Quin-Tec Brightener 404	Plastic Pail: 5 gallons, Plastic Drum: 55 gallons.	10/13/81
Radian Corporation	(+/−) 11-Nor-9-Carboxy-delta 9-THC-D9 0.01mg/ml, 0.1mg/ml, 1.0mg/ml.	Vial: 2ml	06/12/91
Radian Corporation	2-S Methcathinone-D5 HCl 100ug/ml, 1.0mg/ml.	Ampule: 2ml	12/22/93
Radian Corporation	2R-Cathinone HCL 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	2R-Cathinone-D5 HCL 100ug/ml, 1.0mg/ml.	Ampule: 2ml	12/22/93
Radian Corporation	2R-Methcathinone HCL 100ug/ml, 1.0mg/ml.	Ampule: 2ml	12/22/93
Radian Corporation	2R-Methcathinone-D5 HCL 100ug/ml, 1.0mg/ml.	Ampule: 2ml	12/22/93
Radian Corporation	2S-Cathinone HCL 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	2S-Cathinone-D5 HCL 100ug/ml, 1.0mg/ml.	Ampule: 2ml	12/22/93
Radian Corporation	2S-Methcathinone HCL 100ug/ml, 1.0mg/ml.	Ampule: 2ml	12/22/93
Radian Corporation	3, 4-Methylenedioxyamphet amine 0.1, 1.0 mg/ml.	Amber glass ampule: 2ml	01/12/89
Radian Corporation	3, 4-Methylenedioxyamphet amine-D5 0.1 mg/ml.	2 ml amber ampule	10/19/88
Radian Corporation	3, 4-Methylenedioxyamphet amine-D5 1.0 mg/ml.	2 ml amber ampule	10/19/88
Radian Corporation	3, 4-Methylenedioxymethamphet amine 0.1, 1.0 mg/ml.	Amber glass ampule: 2ml	01/12/89
Radian Corporation	3, 4-Methylenedioxymethamphet amine-D5 0.1 mg/ml.	2 ml amber ampule	10/19/88
Radian Corporation	3, 4-Methylenedioxymethamphet amine-D5 1.0 mg/ml.	2 ml amber ampule	10/19/88
Radian Corporation	4-Methylaminorex 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	4-Methylaminorex-D5 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	6-Acetylmorphine	Ampule: 2ml	12/04/87
Radian Corporation	6-Acetylmorphine-D3	Ampule: 2ml	12/04/87
Radian Corporation	9-Carboxy-11-nor-Delta-9-Tetrahydrocannabinol-D3.	Ampule: 2ml	12/04/87
Radian Corporation	9-Carboxy-11-nor-delta-9-THC 0.1, 1.0 mg/ml.	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Alpha-Hydroxyalprazolam 0.1 mg/ml, 1.0 mg/ml.	Vial: 2ml	06/12/91
Radian Corporation	Alpha-Hydroxyalprazolam-D5 0.1 mg/ml, 1.0 mg/ml.	Vial: 2ml	06/12/91
Radian Corporation	Alpha-Hydroxytriazolam 0.1mg/ml, 1.0mg/ml.	Ampule: 2ml	04/27/92
Radian Corporation	Alpha-Hydroxytriazolam-D4, 0.1mg/ml, 1.0mg/ml.	Ampule: 2ml	04/27/92
Radian Corporation	Alprazolam 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	11/05/90
Radian Corporation	Alprazolam-D5 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	11/05/90
Radian Corporation	Amobarbital 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Amphetamine-D3 0.1 mg/ml	Ampule: 2ml	12/04/87
Radian Corporation	Anhydroecgonine 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Anhydroecgonine-D3 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Benzoylecgonine	Ampule: 2ml	12/04/87
Radian Corporation	Benzoylecgonine-D3	Ampule: 2ml	12/04/87
Radian Corporation	Buprenorphine 0.1	Ampule: 2ml	02/01/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Radian Corporation	Buprenorphine-D4 0.1 mg/ml	Ampule: 2ml	02/01/91
Radian Corporation	Chlordiazepoxide 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	Cocaethylene 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	12/13/90
Radian Corporation	Cocaethylene-D3	Ampule: 2ml	12/13/90
Radian Corporation	Cocaethylene-D8 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	Cocaine 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Cocaine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Codeine	Ampule: 2 ml	03/09/88
Radian Corporation	Codeine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	D-Amphetamine 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	D-Methamphetamine 0.1 mg/ml, 1.0 mg/ml.	Vial: 2ml	06/12/91
Radian Corporation	D-Propoxyphene 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	04/27/92
Radian Corporation	D-Propoxyphene 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	DL-3, 4-MDEA 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	DL-3, 4-MDEA-D5 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	DL-Amphetamine 0.1, 1.0 mg/ml	Ampule: 2ml	12/04/87
Radian Corporation	DL-Amphetamine-D11, 0.1mg/ml, 1.0mg/ml.	Ampule: 2ml	04/27/92
Radian Corporation	DL-Amphetamine-D3 0.1, 1.0 mg/ml	Ampule: 2ml	12/04/87
Radian Corporation	DL-Amphetamine-D5 (SC) 0.1, 1.0 mg/ml	Ampule: 2ml	12/04/87
Radian Corporation	DL-Amphetamine-D5 0.1, 1.0 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	DL-Amphetamine-D5 0.1, 1.0 mg/ml	Ampule: 2ml	12/04/87
Radian Corporation	DL-Amphetamine-D8, 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	DL-Methamphetamine 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	DL-Methamphetamine-D11 0.1mg/ml, 1.0mg/ml.	Ampule: 2ml	06/16/93
Radian Corporation	DL-Methamphetamine-D5 0.1, 1.0 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	DL-Methamphetamine-D8 (Phenyl-D5 & N-Methyl-D3) 100ug/ml, 1.0mg/ml.	Ampule: 2ml	04/06/93
Radian Corporation	DL-Methamphetamine-D8 0.1 mg/ml	Ampule: 2ml	12/04/87
Radian Corporation	DL-Methamphetamine-D8, 0.1mg/ml, 1.0mg/ml.	Ampule: 2ml	04/27/92
Radian Corporation	DL-Propoxyphene - D5 0.1, 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Delta-9-Tetrahydrocannabinol 0.1, 1.0 mg/ml.	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Delta-9-Tetrahydrocannabinol-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Diazepam 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Diazepam-D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Diazepam-D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Ecgonine 0.1 mg/ml, 1.0 mg/ml	Vial: 2ml	06/12/91
Radian Corporation	Ecgonine Methyl Ester 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Ecgonine Methyl Ester-D3 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Ecgonine Methyl Ester-D3 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Ecgonine-D3 0.1 mg/ml, 1.0 mg/ml	Vial: 2ml	06/12/91
Radian Corporation	Fentanyl	Ampule: 2ml	01/02/91
Radian Corporation	Fentanyl-D5	Ampule: 2ml	01/02/91
Radian Corporation	Flurazepam 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Hydrocodone - D3 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydrocodone - D3 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydrocodone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Hydromorphone - D3 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydromorphone - D3 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydromorphone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Ibogaine 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	Ibogaine-D3 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	Lorazepam 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Lorazepam-D4, 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Meperidine 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Meperidine 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Meprobamate 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Mescaline 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Mescaline-D9 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Methadone - D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methadone - D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methadone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Methaqualone - D4 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methaqualone - D4 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methaqualone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporatior	Methcathinone 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Methcathinone-D5 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Methohexital 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Radian Corporation	Methylphenidate 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Morphine	Ampule: 2 ml	03/09/88
Radian Corporation	Morphine-3-Beta-D-glucuronide 0.1, 1.0mg/ml.	Ampule: 2ml	02/01/91
Radian Corporation	Morphine-3-Beta-D-glucuronide-D3 0.1, 1.0mg/ml.	Ampule: 2ml	02/01/91
Radian Corporation	Morphine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Nitrazepam 0.1 mg/ml, 1.0 mg/ml	Ampule: 2ml	09/17/90
Radian Corporation	Nitrazepam-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2ml	09/17/90
Radian Corporation	Norcocaine 0.1 mg/ml, 1.0 mg/ml	Vial: 2ml	06/12/91
Radian Corporation	Norcocaine-D8 100ug/ml, 1.0mg/ml	Ampule: 2ml	12/22/93
Radian Corporation	Nordiazepam - D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Nordiazepam - D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Nordiazepam 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Noroxycodone 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	06/16/93
Radian Corporation	Noroxymorphone 100ug/ml, 1.0mg/ml	Ampule: 2ml	06/16/93
Radian Corporation	Oxazepam - D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Oxazepam - D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Oxazepam 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Oxycodone-D6 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	06/16/93
Radian Corporation	Pentobarbital 0.1 mg/ml, 1.0 mg/ml	Ampule: 2ml	09/24/90
Radian Corporation	Pentobarbital-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2ml	09/24/90
Radian Corporation	Phencyclidine 0.1 mg/ml, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Phencyclidine-D5	Ampule: 2 ml	12/04/87
Radian Corporation	Phenobarbital 0.1 mg/ml, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Phenobarbital-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	Prazepam 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Prazepam-D5 100ug/ml, 1.0mg/ml	Ampule: 2ml	01/29/93
Radian Corporation	Temazepam 0.1 mg/ml, 1.0 mg/ml	Ampule: 2ml	09/17/90
Radian Corporation	Temazepam-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2ml	09/17/90
Radian Corporation	Triazolam 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Radian Corporation	Triazolam-D4 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	04/27/92
Research Diagnostics	3H Alfentanil	Vial: 0.5 ml	06/15/89
Research Diagnostics	3H Fentanyl	Vial: 0.5 ml	06/15/89
Research Diagnostics	3H Sufentanil	Vial: 0.5 ml	06/15/89
Research Diagnostics	Alfentanil Radioimmunoassay	Kit: 200 tests	06/15/89
Research Diagnostics	Alfentanil Radioimmunoassay	Kit: 200 tests	06/15/89
Research Diagnostics	Fentanyl Analogs Reference Standards for Drug Analysis.	Amber Ampule: 1 ml, Plastic Shell: 5 ampules, Kit: 2 shells (10 ampules).	10/17/89
Research Diagnostics	Fentanyl Radioimmunoassay	Kit: 200 tests	06/15/89
Research Diagnostics	Sufentanil Radioimmunoassay	Kit: 200 tests	06/15/89
Research Triangle Institute	11-Nor-9-carboxy-delta-9 THC Blood Standards Kit..	Kit Containing: 18-21ml Ampuls; 1-5ml Ampul.	10/26/81
Research Triangle Institute	11-Nor-9-carboxy-delta-9 THC Plasma Standards Kit..	Kit Containing: 18-21ml Ampuls; 1-5ml Ampul.	10/26/81
Research Triangle Institute	Delta-9 THC Blood Standards Kit	Kit Containing: 16-2ml Ampuls; 1-5ml Ampul.	10/26/81
Research Triangle Institute	Delta-9 THC Plasma Standards Kit	Kit Containing: 16-2ml Ampuls; 1-5ml Ampul.	11/02/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11-Nor-9-carboxy-delta-9 THC in Blood.	Kit Containing: 26-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11-Nor-9-carboxy-delta-9 THC in Plasma.	Kit Containing: 24-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC.	Kit Containing: 20-1ml Ampules; 2-20ml Vials; 2-250ml Bottles.	10/20/80
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC in Blood.	Kit Containing: 22-1ml Ampules; 2-20ml Vials; 2-250ml Bottles.	07/10/81
Research Triangle Institute	Tritium Kit for Radioimmunoassay of Delta-9 THC.	Kit Containing: 20-1ml Ampules; 2- 20ml Vials; 2- 250ml Bottles.	06/27/80
Restek Corp	Thebaine	Ampule: 2ml	01/08/93
Restek Corp	Alprazolam	Ampule: 2ml	01/08/93
Restek Corp	Amobarbital	Ampule: 2ml	01/08/93
Restek Corp	Amphetamine	Ampule: 2ml	01/08/93
Restek Corp	Aprobarbital	Ampule: 2ml	01/08/93
Restek Corp	Barbital	Ampule: 2ml	01/08/93
Restek Corp	Benzoylecgonine	Ampule: 2ml	01/08/93
Restek Corp	Benzphetamine	Ampule: 2ml	01/08/93
Restek Corp	Bromazepam	Ampule: 2ml	01/08/93
Restek Corp	Butabarbital	Ampule: 2ml	01/08/93
Restek Corp	Butalbital	Ampule: 2ml	01/08/93
Restek Corp	Cannabidiol delta-8	Ampule: 2ml	01/08/93
Restek Corp	Cannabinol	Ampule: 2ml	01/08/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Restek Corp	Chlordiazepoxide	Ampule: 2ml	01/08/93
Restek Corp	Clobazam	Ampule: 2ml	01/08/93
Restek Corp	Clonazepam	Ampule: 2ml	01/08/93
Restek Corp	Cocaethylene	Ampule: 2ml	01/08/93
Restek Corp	Cocaine	Ampule: 2ml	01/08/93
Restek Corp	Codeine	Ampule: 2ml	01/08/93
Restek Corp	Desmethyl Diazepam	Ampule: 2ml	01/08/93
Restek Corp	Diacetylmorphine	Ampule: 2ml	01/08/93
Restek Corp	Diazepam	Ampule: 2ml	01/08/93
Restek Corp	Ecgonine	Ampule: 2ml	01/08/93
Restek Corp	Ecgonine methyl ester	Ampule: 2ml	01/08/93
Restek Corp	Fenfluramine	Ampule: 2ml	01/08/93
Restek Corp	Fentanyl	Ampule: 2ml	01/08/93
Restek Corp	Flunitrazepam	Ampule: 2ml	01/08/93
Restek Corp	Flurazepam	Ampule: 2ml	01/08/93
Restek Corp	Glutethimide	Ampule: 2ml	01/08/93
Restek Corp	Hexobarbital	Ampule: 2ml	01/08/93
Restek Corp	Hydrocodone	Ampule: 2ml	01/08/93
Restek Corp	Levorphanol	Ampule: 2ml	01/08/93
Restek Corp	Lorazepam	Ampule: 2ml	01/08/93
Restek Corp	Medazepam	Ampule: 2ml	01/08/93
Restek Corp	Meperidine	Ampule: 2ml	01/08/93
Restek Corp	Mephobarbital	Ampule: 2ml	01/08/93
Restek Corp	Meprobamate	Ampule: 2ml	01/08/93
Restek Corp	Methadone	Ampule: 2ml	01/08/93
Restek Corp	Methamphetamine	Ampule: 2ml	01/08/93
Restek Corp	Methohexital	Ampule: 2ml	01/08/93
Restek Corp	Methyprylon	Ampule: 2ml	01/08/93
Restek Corp	Morphine	Ampule: 2ml	01/08/93
Restek Corp	Nitrazepam	Ampule: 2ml	01/08/93
Restek Corp	Oxazepam	Ampule: 2ml	01/08/93
Restek Corp	Oxycodone	Ampule: 2ml	01/08/93
Restek Corp	Pentazocine	Ampule: 2ml	01/08/93
Restek Corp	Pentobarbital	Ampule: 2ml	01/08/93
Restek Corp	Phencyclidine	Ampule: 2ml	01/08/93
Restek Corp	Phendimetrazine	Ampule: 2ml	01/08/93
Restek Corp	Phenmetrazine	Ampule: 2ml	01/08/93
Restek Corp	Phenobarbital	Ampule: 2ml	01/08/93
Restek Corp	Phentermine	Ampule: 2ml	01/08/93
Restek Corp	Prazepam	Ampule: 2ml	01/08/93
Restek Corp	Propoxyphene	Ampule: 2ml	01/08/93
Restek Corp	Secobarbital	Ampule: 2ml	01/08/93
Restek Corp	Talbutal	Ampule: 2ml	01/08/93
Restek Corp	Temazepam	Ampule: 2ml	01/08/93
Restek Corp	Tetrahydrocannabinol 11-nor delta-9-THC-carboxylic acid.	Ampule: 2ml	01/08/93
Restek Corp	Tetrahydrocannabinol delta-9	Ampule: 2ml	01/08/93
Restek Corp	Thiamylal	Ampule: 2ml	01/08/93
Restek Corp	Thiopental	Ampule: 2ml	01/08/93
Restek Corp	Triazolam	Ampule: 2ml	01/08/93
Roche Diagnostic Systems, Inc	ABUSCREEN Radioimmunoassay for Methamphetamine High Specificity.	Kit: 100 tests, 2500 tests	03/01/89
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Amphetamine.	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Barbiturate.	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Cannabinoids.	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Cocaine Metabolite.	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for LSD (Lysergic Acid Diethylamide).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Methamphetamine (High Specificity).	Kit: 2 vials	05/27/92
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Morphine.	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Phencyclidine (PCP).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Calibration Pack	Kit: 8 vials	05/18/92
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Calibrator Level 3	Pack: 6 vials	05/18/92
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Positive Control	Pack: 6 vials	05/18/92
Roche Diagnostic Systems, Inc	Abuscreen ONLINE THC Positive Control	Kit: 6 vials; 4ml/vial	03/22/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Roche Diagnostic Systems, Inc	Abuscreen ONLINE for Cocaine Metabolite.	Kit: 100 Test, 1000 Test	03/19/91
Roche Diagnostic Systems, Inc	Abuscreen ONLINE for Opiates	Kit: 100 Test, 1000 Test	03/19/91
Roche Diagnostic Systems, Inc	Abuscreen ONLINE for THC	Vial: 100 Test, 1000 Test	03/19/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRACK for Benzodiazepines Positive Control.	Vial: 4ml	03/22/93
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK "THC" (100ng/ml)	Kit: 50 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK "THC" Positive Control.	Vial: 4 ML	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine	Kit: 50 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine Positive Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Barbiturate	Kit: 50 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Barbiturates Positive Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Benzodiazepines	Kit: 50 Tests, 100 Tests	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine Metabolite	Kit: 50 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine Metabolite Positive Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Methadone Positive Reference Control.	Vial: 4ml	09/08/93
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Morphine	Kits: 50 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Morphine Positive Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK THC (50ng/ml)	Kit: 50 Tests, 100 Tests	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK phencyclidine (PCP)	Kit: 50 tests, 100 tests	11/22/89
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK phencyclidine (PCP) Positive Control.	Vial: 7 ml	11/22/89
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Amphetamine High Specificity.	Kit: 100 tests, 2500 tests	09/13/85
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Barbiturates.	Kit: 100 tests, 2500 tests	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Benzodiazepines.	Kit: 100 tests, 2500 tests	03/06/87
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Cannabinoids.	Kit: 100 Tests 2500 Tests	08/14/81
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Cocaine Metabolite.	Kit: 100 Tests, 2500 Tests	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for LSD (Lysergic Acid Diethylamide).	Kit: 100 tests, 2500 tests	01/28/86
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Methaqualone.	Kit: 100 tests, 2500 tests	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Morphine.	Kit: 100 tests, 2500 tests	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Phencyclidine (PCP).	Kit: 100 tests, 2500 tests	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Amphetamine.	Kit: 3 Vials, 100ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Barbiturate.	Kit: 3 Vials, 100ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Cannabinoids.	Kit: 3 Vials, 100ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Cocaine Metabolite.	Kit: 3 Vials, 100ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for LSD (Lysergic Acid Diethylamide).	Kit: 3 Vials, 100ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Methamphetamine (High Specificity).	Kit: 3 vials, 100ml each	05/27/92
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Morphine.	Kit: 3 Vials, 100ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Phencyclidine (PCP).	Kit: 3 Vials, 100ml each	10/12/87
Roche Diagnostic Systems, Inc	Agglutex Phencyclidine (PCP) Test Kit	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc	Anti-T4 Reagent 125I T4 (for T4 Radioimmunoassay).	Vial: 15ml	07/22/81
Roche Diagnostic Systems, Inc	CAL PACK Abuscreen ONLINE THC Calibration Pack.	Kit: 4 vials	09/11/91
Roche Diagnostic Systems, Inc	COBAS FP Phenobarbital Calibrators	Kit: 6 Vials	11/13/84
Roche Diagnostic Systems, Inc	COBAS FP Reagents for Phenobarbital	Kit: 100 tests	11/13/84
Roche Diagnostic Systems, Inc	COBAS FP TDM Controls	Kit: 6 Vials	11/13/84

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 1, 2, 3, 4, 5, 6, 7, or 8.	Vial: 10, 20, 50, or 100ml	01/25/83
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 9	Vial: 10ml, 20ml, 50ml, or 100ml	07/24/84
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 9A	Vial: 10ml, 20ml, 50ml, or 100ml	07/24/84
Roche Diagnostic Systems, Inc	Immunizing Preparation No.10	Vial: 10ml, 20ml, 50ml, or 100ml	04/02/86
Roche Diagnostic Systems, Inc	Immunizing Preparation No.10A	Vial: 10ml, 20ml, 50ml, or 100ml	04/02/86
Roche Diagnostic Systems, Inc	Immunizing Preparations No. 1A, 2A, 3A, 4A, 5A, 6A, 7A, & 8A.	Vial: 10ml, 20ml, 50ml, or 100ml	07/12/83
Roche Dioagnostic Systems, Inc	Abuscreen ONTRAK Methadone	Kits: 50, 100 Tests	09/08/93
Rowley Biochemical Institute, Inc	Aldehyde Fuchsin Solution	Bottle: Pint, Quart, Gallon	02/02/84
Rowley Biochemical Institute, Inc	Aldehyde Thionin Solution	Bottle: Pint, Quart, Gallon	02/02/84
Rowley Biochemical Institute, Inc	Mayer's Hematoxylin Solution	Bottle: Pint, Quart, Gallon	02/02/84
Schering Corp	Hepaquik	Vial: 9 Dram and Plate	07/16/72
Serex, Inc	Automates CoMA Cocaine Metabolite Assay.	Kit: 3 Bottles; 50, 1000 Tests	07/22/92
Serex, Inc	Automates CoMA Cocaine Metabolite Assay Reagent B.	Bottle: 12.5ml, 50ml	07/22/92
Serex, Inc	Automates CoMA High Calibrator	Vial: 5ml	07/22/92
Serex, Inc	Automates CoMA Low Calibrator	Vial: 5ml	07/22/92
Serex, Inc	Automates CoMA Plus Cocaine Metabolite Assay.	Kit: 3 Bottles; 50, 1000 Tests	07/22/92
Serex, Inc	Automates CoMA Plus Cocaine Metabolite Assay Reagent B.	Bottle: 12, 5ml, 50ml	07/22/92
Serex, Inc	Benzoylecgonine Positive Control	Bottle: 1 ml	12/16/89
Serex, Inc	Benzoylecgonine Standards	Bottle: 1 ml	12/16/89
Serex, Inc	CoMA EIA for Cocaine Metabolite	Kit: 96 tests, 2 Bottles: 5 ml ea., Assay Plate: 96 wells.	10/17/89
Serex, Inc	Cocaine Metabolite Standards and Controls Kit.	Kit: 3 bottles - 100 Assays	12/16/89
Serono Diagnostics, Inc	rT3 Barbital Buffer	Glass Vial: 120ml	10/26/84
Serono Diagnostics, Inc	rT3-125I	Glass Vial: 13ml	10/26/84
Serono Diagnostics, Inc	rT3-Antiserum	Glass Vial: 13ml	10/26/84
Sherwood Medical Company	Lancer Fibrinogen Determination, Reagent Kit Catalog No. 8889-007608.	Kit	04/17/75
Sigma Chemical Co	11Beta-Hydroxytestosterone, H-4646	Vial: 2ml	02/04/94
Sigma Chemical Co	Acid Hematoxylin Solution, No. 285-2	Bulk: 1000L	05/04/93
Sigma Chemical Co	Alpha-Ethyltryptamine, E-1392	Vial: 2ml	02/04/94
Sigma Chemical Co	Amobarbital Sodium Salt, Product No. A-7441.	Ampule: 1ml	05/13/93
Sigma Chemical Co	Cocaethylene, C-7313	Vial: 2ml	02/04/94
Sigma Chemical Co	Mayer's Hematoxylin Solution, No. MHS-1.	Bulk: 1000L	05/04/93
Sigma Chemical Co	Nitrazepam, N-3397	Ampule: 1ml	09/08/93
Sigma Chemical Co	Owren's Buffer, No. 05880	Bottle: 500ml; Vial: 20ml; Box: 5vials	04/05/89
Sigma Chemical Co.	(+)Deoxyephedrine-d5 HCl #D-5914	Ampule: 2ml	08/28/90
Sigma Chemical Co.	(+-) 2, 5-Dimethoxy-4-bromoamphetamine Hydrobromide, D-7633.	Ampule: 2ml	09/25/91
Sigma Chemical Co.	(+-) 2, 5-Dimethoxy-4-methylamphetamine HCl, D-7883.	Ampule: 2ml	09/25/91
Sigma Chemical Co.	(+-) Deoxyephedrine HCl, D-7508	Ampule: 2ml	09/25/91
Sigma Chemical Co.	(+-)-(2 Methylamino)propiophenone Hydrochloride.	Ampule: 1ml	07/30/92
Sigma Chemical Co.	(-) Deoxyephedrine, D-7258	Ampule: 2ml	09/25/91
Sigma Chemical Co.	1-Tetrahydrocannabinol, Product No. T-4764.	Vial: 1ml	05/11/81
Sigma Chemical Co.	1-Tetrahydrocannabinol, Product No. T-4764.	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	11-Hydroxy-delta 9 Tetrahydrocannabinol Cat. No. H3879.	Ampule: 2ml	11/06/91
Sigma Chemical Co.	11-nor-delta9-Tetrahyrocannabinol, 9-carboxylic .05 mg/ml acid, No. N-5642.	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	11-nor-delta9THC-9-Carboxylic Acid #N-6893.	Ampule: 2ml	08/28/90
Sigma Chemical Co.	19-Nortestosterone 17-Decanoate, N 3021.	Ampule: 1ml	07/30/92
Sigma Chemical Co.	19-Nortestosterone 17-Phenylpropionate, N 2771.	Ampule: 1ml	07/30/92
Sigma Chemical Co.	19-Nortestosterone 17-Propionate, N 2896.	Ampule: 1ml	07/30/92
Sigma Chemical Co.	3, 4 Methylenedioxymethamphetamine 1 mg/ml, No. M-5029.	Glass Ampule: 2 ml	06/29/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Sigma Chemical Co.	3, 4-Methylenedioxyamphetamine, No. M-3272.	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	3-Methylfentanyl HCl, M-6255	Ampule: 2ml	09/25/91
Sigma Chemical Co.	5, 5-Diallylbarbituric Acid, Product No. D-6013.	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	5-Alpha-Androstan-17beta-ol-3-one Benzoate, A 9687.	Ampule: 1ml	07/30/92
Sigma Chemical Co.	6-Tetrahydrocannabinol, Product No. T-4889.	Vial: 1ml	05/11/81
Sigma Chemical Co.	AST Reagent A, Stock No.56-2	Vial: 10ml	06/27/79
Sigma Chemical Co.	Acid Hematoxylin Solution, No.285-2	Bottle: 25ml, 100ml	08/06/73
Sigma Chemical Co.	Adenosine Phosphate Substrate, Product No. 675-1.	Bottle: 4 ounce	07/25/83
Sigma Chemical Co.	Allylcyclopentylbarbituric Acid (A-7787)	Sealed Ampule: 1ml	04/10/85
Sigma Chemical Co.	Allylisobutylbarbituric Acid (A-1038)	Sealed Ampule: 1ml	04/10/85
Sigma Chemical Co.	Alphaprodine Hydrochloride (A-1537)	Ampule: 1ml	08/27/84
Sigma Chemical Co.	Alphenal (A-1163)	Ampule: 1ml	04/10/85
Sigma Chemical Co.	Alprazolam .25 mg/ml, No. A-5052	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Alprazolam-d5 #A-7055	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Ammonia Reagent , Stock No. 170-10	Vial: 10ml	02/17/77
Sigma Chemical Co.	Ammonia Reagent Kit: Stock No. 170-10	Kit: 10 Vials	02/17/77
Sigma Chemical Co.	Ammonia Reagent Stock No. 170-10	Vial: 30ml	12/13/77
Sigma Chemical Co.	Ammonia in Plasma Kit	Kit: 100 tests, 30 tests	12/13/77
Sigma Chemical Co.	Amobarbital , Product No. A-5142	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Antibody Sensitized Sheep Erythrocytes (EA7S).	Vials: 2ml and 5X 2ml	04/02/86
Sigma Chemical Co.	Aprobarbital , Product No. A-7023	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Barbital Buffer , Product No. B-6632	Polyethylene Vial: 30ml	05/11/77
Sigma Chemical Co.	Barbital Buffer 5X Concentrate Electrophoresis Reagent Cat. No. B-3506.	Bottle: 200ml	11/14/91
Sigma Chemical Co.	Barbital Buffer with Albumin Stock No. 880-3.	Vial: 20ml	07/11/80
Sigma Chemical Co.	Barbital, Product No. B-8632	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Benzoylecgonine 1 mg/ml, No. B-8900	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Benzoylecgonine-d3 #B-3277	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Benzphetamine Hydrochloride, Product No. B-8765.	Sealed Ampule: 1ml	06/08/84
Sigma Chemical Co.	Bromazepam #B-5402	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Bufotenine Monooxalate, Product No. B-8757.	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Butabarbital , Product No. B-8882	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Butalbital, Product No. B-5514	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Butethal (B-7516)	Ampule: 1ml	09/05/85
Sigma Chemical Co.	Cannabidiol, Product No. C-6395	Vial: 1ml	05/11/81
Sigma Chemical Co.	Cannabidiol, Product No. C-6395	Sealed Ampule: 1ml	08/29/79
Sigma Chemical Co.	Cannabinol, Product No. C-6520	Vial: 1ml	05/11/81
Sigma Chemical Co.	Cannabinol, Product No. C-6520	Sealed Ampule: 1ml	08/29/79
Sigma Chemical Co.	Chloral Hydrate, Product No. C-6516	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Chlorazepam Dipotassium Salt, (C-9531)	Ampule: 1ml	05/24/85
Sigma Chemical Co.	Chlordiazepoxide (C-4782)	Ampule: 1ml	09/05/85
Sigma Chemical Co.	Chlordiazepoxide Hydrochloride Acetonitrile Drug Standard #C-9547.	Ampule: 2ml	06/26/90
Sigma Chemical Co.	Chlordiazepoxide-d5 #C-5047	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Clobazam, No. C-6667	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Clonazepam, Product No. C-4404	Sealed Ampule: 1ml	06/08/84
Sigma Chemical Co.	Cocaine Hydrochloride Product No. C-1528.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Cocaine-d3 #C-3547	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Codeine-d3 HCl #C-3672	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Codeine.Product No. C-1653	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	D-Amphetamine Sulfate, Product No. A-3278.	Vial: 1ml	05/11/81
Sigma Chemical Co.	DL-Amphetamine HCL, Product No. A-5017.	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Delorazepam #D-5789	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Desmethyldiazepam 1 mg/ml, No. D-3162	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Desmethyldiazepam-d5 #D-6039	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Dextropropoxyphene Hydrochloride (D-8901).	Ampule: 1ml	09/27/84
Sigma Chemical Co.	Diazepam, Product No. D-9900	Sealed Ampule: 1ml	06/08/84
Sigma Chemical Co.	Diazepam-d5 #D-5664	Ampule: 2ml	08/28/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Sigma Chemical Co.	Diethylpropion Hydrochloride, Product No. D-7274.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Diphenoxylate (D-0780)	Ampule: 1ml	09/05/85
Sigma Chemical Co.	Drug Standard Mix 1, D-3155	Ampule: 2ml	04/18/86
Sigma Chemical Co.	Drug Standard Mix 2, D-3030	Ampule: 2ml	04/18/86
Sigma Chemical Co.	Ecgonine Hydrochloride 1 mg/ml, No. E-9762.	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Ecgonine-d3 HCl #E-2014	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Ecgonine-d3 Methyl Ester HCl #E-2139	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Estazolam #E-1139	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Ethinamate (E-8508)	Ampule: 1ml	04/10/85
Sigma Chemical Co.	Ethylmorphine, E-3377	Ampule: 2ml	09/25/91
Sigma Chemical Co.	Fenfluramine Hydrochloride, Product No. F-1884.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Fenproporex Hydrochloride, No. F-7261	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Fentanyl Citrate, No. F-5886	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co.	Fentanyl-d5 Citrate #F-2520	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Flunitrazepam No. F-8763	Vial: 1 ml	06/30/87
Sigma Chemical Co.	Flurazepam Dihydrochloride Methanol Drug Standard, No. F-9134.	Ampule: 2 ml	10/20/89
Sigma Chemical Co.	Flurazepam Dihydrochloride, Product No. F-9134.	Sealed Ampule: 1ml	06/08/84
Sigma Chemical Co.	Gelatin Veronal Buffer (GVB2+) No. G-6514.	Vial: 50 ml, 250ml	09/15/86
Sigma Chemical Co.	Glutethimide, Product No. G-3134	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Glycerophosphate Substrate, Product No. 675-2.	Bottle: 4 ounce	07/25/83
Sigma Chemical Co.	Heroin Hydrochloride .1 mg/ml, No. H-5144.	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Hexobarbital, Product No. H-2007	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Hydrocodone Bitartrate, No. H-2269	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Hydromorphone Hydrochloride No. H-7141.	Vial: 1 ml	06/30/87
Sigma Chemical Co.	Ibogaine HCL, Product No. I-4630	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	LDH Electrophoresis Buffer, Stock No. 705-1.	Bottle: 30ml	01/04/77
Sigma Chemical Co.	LDH-P Reagent No. 125-100	Vial: 100ml	05/29/73
Sigma Chemical Co.	Levorphanol Tartrate 1 mg/ml, No. L-0896.	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Lorazepam (L-0140)	Ampule: 1ml	05/24/85
Sigma Chemical Co.	Lormetazepam, No. 8145	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Lysergic Acid, Product No. L-5881	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Lysergic Acid Diethylamide #L-8147	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Mayer's Hematoxylin Solution, MHS-1, MHS-16, MHS-32, MHS-80, MHS-128.	Bottle: 3ml, 6ml, 25ml, 100ml, 225ml, 500ml, 1.0L, 2.5L, 4.0L.	08/06/73
Sigma Chemical Co.	Mebutamate (M-3772)	Ampule: 1ml	09/05/85
Sigma Chemical Co.	Medazepam (M-7646)	Ampule: 1ml	05/24/85
Sigma Chemical Co.	Meperidine Hydrochloride (M-1020)	Ampule: 1ml	08/27/84
Sigma Chemical Co.	Mephobarbital, Product No. M-3514	Vial: 1ml	05/11/81
Sigma Chemical Co.	Meprobamate (M-0271)	Ampule: 1ml	05/24/85
Sigma Chemical Co.	Mescaline HC1, Product No. M-5153	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Methadone Hydrochloride, Product No. M-3268.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Methadone-d3 #M-4781	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Methamphetamine HC1 , Product No. M-5260.	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Methaqualone Hydrochloride, Product No. M-3393.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Methaqualone-d4 #M-5406	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Methylphenidate Hydrochloride (M-1145)	Ampule: 1ml	10/31/84
Sigma Chemical Co.	Methyprylon, Product No. M-1769	Sealed Ampule: 1ml	06/08/84
Sigma Chemical Co.	Morphine Sulfate, No. M-9524	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Morphine-3-B-D Glucuronide, Product No. M-4266.	Ampule: 1ml	10/21/82
Sigma Chemical Co.	Morphine-d3 HCl, M-6380	Ampule: 2ml	09/25/91
Sigma Chemical Co.	N, N-Diethyltryptamine, Product No. D-0392.	Vial: 1ml	05/11/81
Sigma Chemical Co.	N, N-Dimethyltryptamine, Product No. D-6263.	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Nalorphine Hydrochloride	Ampule: 1ml	08/27/84
Sigma Chemical Co.	Norcodeine Hydrochloride, No. N-3017	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Normorphine HCl #N-7393	Ampule: 2ml	08/28/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Sigma Chemical Co.	Noroxymorphone #N-7018	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Oxazepam, No. O-1755	Vial: 1 ml	06/30/87
Sigma Chemical Co.	Oxazepam-d5 #O-1381	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Oxazolam, No. O-8005	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Oxycodone Hydrochloride, Product No. O-2628.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Paraldehyde, Product No. D-3778	Ampule: 1ml	10/21/82
Sigma Chemical Co.	Pemoline, Product No. P-3518	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Pentazocine Hydrochloride, Product No. P-7530.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Pentobarbital, Product No. P-3393	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Phencyclidine, No. P-7043	Vial: 1 ml	06/30/87
Sigma Chemical Co.	Phencyclidine-d5 HCl #P-6054	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Phendimetrazine, Product No. P-3524	Vial: 1ml	05/11/81
Sigma Chemical Co.	Phenobarbital FPIA Calibrator Set Cat. No. P9051.	Kit: 6 vials	11/21/89
Sigma Chemical Co.	Phenobarbital FPIA Calibrator: A-No.P8301, B-No.P8426, C-No.P8551, D-No.P8676, E-No.P8801, F-NO.P8926.	Vial: 2.5 ml	11/21/89
Sigma Chemical Co.	Phenobarbital Primary Stock Solution No. Z-5419.	Bottle: 10, 5, 1L, 500, 100ml	02/01/91
Sigma Chemical Co.	Phenobarbital Prod. No.P-3643	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Phentermine Hydrochloride, Product No. P-7655.	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Phenylacetone, Product No. P-2024	Vial: 1ml	05/11/81
Sigma Chemical Co.	Prazepam, No. P-7168	Vial: 1 ml	06/30/87
Sigma Chemical Co.	Psilocin #P-4054	Ampule: 2ml	08/28/90
Sigma Chemical Co.	SIA Cocaine Metabolites	Kit: 96 Tests	07/11/91
Sigma Chemical Co.	SIA Conjugate Cocaine Metabolites	Bottle: 75ml	07/11/91
Sigma Chemical Co.	SIA Positive Reference Cocaine Metabolites.	Vial: 1ml	07/11/91
Sigma Chemical Co.	Secobarbital, Product No. S-4006	Sealed Ampule: 1ml	06/30/77
Sigma Chemical Co.	Secobarbital-d5, S-4628	Ampule: 2ml	09/25/91
Sigma Chemical Co.	Temazepam, No. T-4903	Vial: 1 ml	06/30/87
Sigma Chemical Co.	Tenocyclidine HCl, T-3507	Ampule: 2ml	09/25/91
Sigma Chemical Co.	Testosterone 17beta-Cypionate, T 3415	Ampule: 1ml	07/30/92
Sigma Chemical Co.	Testosterone Enanthate, T 3540	Ampule: 1ml	07/30/92
Sigma Chemical Co.	Testosterone Propionate, T 3665	Ampule: 1ml	07/30/92
Sigma Chemical Co.	Thebaine, Product No. T-5270	Sealed Ampule: 1ml	09/19/83
Sigma Chemical Co.	Thiamylal Sodium, Product No. T-6896	Sealed Ampule: 1ml	06/08/84
Sigma Chemical Co.	Thiopental (T-1022)	Ampule: 1ml	08/27/84
Sigma Chemical Co.	Triazolam #T-7658	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Trizma-Barbital Buffer, Stock No. 710-1	Bottle: 30ml	01/04/77
Sigma Chemical Co.	Tropacocaine, Product No. T-4516	Vial: 1ml	05/11/81
Sigma Chemical Co.	Z9999, Field Test Sample PSEUDOnarcotics Marihuana Formulation.	Vial: 400ml	03/14/91
Sigma Chemical Co.	d-Amphetamine-d3 Sulfate #A-7180	Ampule: 2ml	08/28/90
Sigma Chemical Co.	d-Lysergic Acid Cat. No. L-9752	Ampule: 2ml	11/06/91
Sigma Chemical Co.	d-Propoxyphene-d7 HCl #P-4179	Ampule: 2ml	08/28/90
Sigma Chemical Co.	d-Propoxyphene-d7 HCl #P-4179	Ampule: 2ml	08/28/90
Sigma Chemical Co.	delta-9-tetrahydro- cannabinol-d3 #T-8783	Ampule: 2ml	08/28/90
Sigma Chemical Co.	dl-Amphetamine, A-2262	Ampule: 2ml	09/25/91
Sigma Chemical Co.	l-Amphetamine, A-9136	Ampule: 2ml	09/25/91
Sigma Chemical Co.	p-Methoxyamphetamine HCl #M-4656	Ampule: 2ml	08/28/90
Sigma Diagnostics	CA System Buffer	Bottle: 500ml	09/09/93
Smart Chemical Co.	Regal 180XL	Plastic Drum: 55 gallon	06/12/86
SolarCare Technology Corporation	Benzoylecgonine Cutoff Calibrator	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Benzoylecgonine Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Benzoylecgonine Positive Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Cocaine Cutoff Calibrator	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Cocaine EIA	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	Cocaine Metabolite EIA	Kit: 30 vials	06/05/90
SolarCare Technology Corporation	Cocaine Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Cocaine Positive Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	LSD Cutoff Calibrator	Vial: 4ml	06/05/90
SolarCare Technology Corporation	LSD EIA	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	LSD Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	LSD Positive Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Low Level Benzo- diazepine (Triazolam) EIA.	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	Triazolam Cutoff Control	Vial: 4ml	06/05/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
SolarCare Technology Corporation	Triazolam Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Triazolam Positive Control	Vial: 4ml	06/05/90
Supelco, Inc	Alk Mix No. 04-9210	Vial: 1ml	08/28/73
Supelco, Inc	Amobarbital, No.04-9170	Ampule: 1ml	12/22/72
Supelco, Inc	Amph. Mix Catalog No. 4-9205	Glass Ampule: 2ml	06/09/86
Supelco, Inc	Amphetamine No.04-9165	Ampule: 1ml	12/22/72
Supelco, Inc	Anticonvulsant Mixture No.1; No. 04-9202	Glass Serum Bottle: 50ml	06/16/77
Supelco, Inc	Antiepileptic Calibration Standard Kit, No.4-9259.	Kit: 3 Ampules	05/21/80
Supelco, Inc	Antiepileptic Calibration Standards, Nos.4-9256, 4-9257, 4-9258.	Glass Ampule: 5ml	05/21/80
Supelco, Inc	Aprobarbital No.04-9171	Ampule: 1ml	12/22/72
Supelco, Inc	Barb. Mix 1, Catalog No. 4-9200	Glass Ampule: 2ml	06/09/86
Supelco, Inc	Barb. Mix 2, Catalog No. 4-9201	Glass Ampule: 2ml	06/09/86
Supelco, Inc	Barbital, Catalog No. 4-9279	Glass Ampule: 10ml	06/09/86
Supelco, Inc	Barbiturates Test Mix Catalog No. 4-9295	Ampule: 2 ml	02/25/87
Supelco, Inc	Cannabidiol, No.04-9221	Ampule: 1ml	11/27/74
Supelco, Inc	Cannabinol, No.04-9235	Ampule: 1ml	11/27/74
Supelco, Inc	Cocaine, No.04-9188	1000 mcg/Glass Ampule	06/05/75
Supelco, Inc	Codeine No.04-9161	Ampule: 1ml	12/22/72
Supelco, Inc	Cyclobarbital No.04-9175	Ampule: 1ml	12/22/72
Supelco, Inc	Delta-1 THC, No.04-9237	Ampule: 1ml	11/27/74
Supelco, Inc	Delta-6 THC, No.04-9238	Ampule: 1ml	11/27/74
Supelco, Inc	Dextroamphetamine, No.4-9185	Glass Ampule: 1ml	05/21/80
Supelco, Inc	Glutethimide No.04-9173	Ampule: 1ml	12/22/72
Supelco, Inc	Heroin No.04-9162	Ampule: 1ml	12/22/72
Supelco, Inc	Hexobarbital No.04-9177	Ampule: 1ml	12/22/72
Supelco, Inc	Mephobarbital No.04-9178	Ampule: 1ml	12/22/72
Supelco, Inc	Meprobamate, No.4-9184	Glass Ampule: 1ml	05/21/80
Supelco, Inc	Methadone No.04-9163	Ampule: 1ml	12/22/72
Supelco, Inc	Methamphetamine No.04-9168	Ampule: 1ml	12/22/72
Supelco, Inc	Methaqualone, No.04-9183	1000 mcg/Glass Ampule	06/05/75
Supelco, Inc	Morphine No. 04-9160	Glass Ampule: 1000mcg	03/08/78
Supelco, Inc	Pentobarbital No. 04-9179	Glass Ampule: 1000mcg	03/08/78
Supelco, Inc	Phenobarbital No. 04-9181	Glass Ampule: 1000mcg	03/08/78
Supelco, Inc	Psilocybin, No.04-9191	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc	Secobarbital No. 04-9180	Glass Ampule: 1000mcg	03/08/78
Sure Tech Diagnostic Associates, Inc	Codeine in Urine Matrix; Prod 924	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	3, 4-Methylenedioxyamphetamine in Urine Matrix; Prod 928.	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	3, 4-Methylenedioxymethylamphetamine in Urine Matrix; Prod 929.	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Alprazolam in Urine Matrix; Prod. 920	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	D-Methamphetamine/D-Amphetamine in Urine Matrix; Prod 926.	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	D-Propoxyphene in Urine Matrix; Prod 936.	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse Urine Control (Blind Sample) Positive Amphetamine Kit No. ST 904, Vial No. 904-P.	Vial: 4ml Kit: 1 vial	05/11/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse Urine Control (Blind Sample) Positive Cocaine & Marijuana Kit No. ST 903.	Kit: 2 vials	05/11/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse Urine Control (Blind Sample) Positive Cocaine, Kit No. ST 901, Vial No. 901-P.	Vial: 4ml Kit: 1 vial	05/11/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse Urine Control (Blind Sample) Positive Marijuana, Kit No. ST 902, Vial No. 902-P.	Vial: 4ml Kit: 1 vial	05/11/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse Urine Control (Blind Sample) Positive Opiates Kit No. ST 905, Vial No. 905-P.	Vial: 4ml Kit: 1 vial	05/11/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse Urine Control (Blind Sample) Positive Phencyclidine Kit No. ST 906, Vial No. 906-P.	Vial: 4ml Kit: 1 vial	05/11/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Codeine No. 907-P.	Vial: 20ml; Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Methadone No. 908-P.	Vial: 20ml; Box: 1 vial	09/13/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Methamphetamine No. 909-P.	Vial: 20ml; Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Methaqualone No. 913-P.	Vial: 20ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Oxazepam No. 910-P.	Vial: 20ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Propoxyphene No. 911-P.	Vial: 20ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Control (Blind Samples) positive Seco-barbital No. 912-P.	Vial: 20ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Meperidine in Urine Matrix; Prod 930	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Methadone in Urine Matrix; Prod 925	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Methaqualone in Urine Matrix; Prod 927	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Morphine-3-Glucuronide in Urine Matrix; Prod 931.	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Nordiazepam in Urine Matrix; Prod 932	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Normeperidine in Urine Matrix; Prod 933	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Oxazepam in Urine Matrix; Prod 934	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Phencyclidine in Urine Matrix; Prod 935	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Secobarbital in Urine Matrix; Prod 937	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Temazepam in Urine Matrix; Prod 938	Vial: 20ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Triazolam in Urine Matrix; Prod 939	Vial: 20ml	04/24/92
Sure-Tech Diagnostics Associates, Inc	9-Carboxyl-11 Nor-A-9-THC in Urine Matrix; Prod 923.	Vial: 20ml	04/24/92
Sure-Tech Diagnostics Associates, Inc	Benzoylecgonine in Urine Matrix; Prod 922.	Vial: 20ml	04/24/92
Sure-Tech Diagnostics Associates, Inc	D-Amphetamine in Urine Matrix; Prod. 921.	Vial: 20ml	04/24/92
Syva Co	EMIT 2000 Phenobarbital Bulk Reagent B	Bottle: 200ml	02/22/93
Syva Co	EMIT IIC Cannabinoid Assay	Kit: 2 Bottles	12/15/93
Syva Co	EMIT IIC Cannabinoid Assay Reagent 2	Bottle: 500ml	12/15/93
Syva Co	EMIT IIC Phencyclidine Assay	Kit: 2 Bottles	12/15/93
Syva Co	EMIT IIC Phencyclidine Assay Reagent 2	Bottle: 500ml	12/15/93
Syva Co	Emit 2000 Phenobarbital Bulk Reagent	Bottle: 200ml	06/09/93
Syva Co	Emit IIC Barbiturate Assay	Kit: 2 Vials	01/06/94
Syva Co	Emit IIC Barbiturate Enzyme Reagent 2	Vial: 500ml	01/06/94
Syva Co	Emit IIC Calibrators 0, 1, 2, 3, 4, 5	Vial: 10ml	01/06/94
Syva Co	Emit IIC Opiate Assay	Kit: 2 Vials	01/06/94
Syva Co	Emit IIC Opiate Enzyme Reagent 2	Vial: 500ml	01/06/94
Syva Co	Emit Methadone Bulk Reagent	Bottle: 1000ml	06/07/93
Syva Co	Emit THC 50/100ng Assay	Kit; 2vials, 500ml each	10/11/93
Syva Co	Emit THC Calibrators; 0ng/mlk, 50ng/ml, 100ng/ml, 200ng/ml.	Vial: 10ml	10/11/93
Syva Co	Emit THC Controls; Levels I, II, III, IV	Vial: 10ml	10/11/93
Syva Co.	AccuLevel Phenobarbital Test Control Stock Solution.	Flask: 50ml	10/31/85
Syva Co.	AccuLevel Phenobarbital Test Kit (Catalog No.10C019) Contains: (1)AccuLevel Phenobarbital Control (2)AccuLevel Reagent I.	(1)Glass Vial: 6ml; (2)Glass Vial: 9ml, 12 Vials per test kit.	01/24/86
Syva Co.	Advance T-3 Uptake Assay	Kit: 100 tests	05/11/82
Syva Co.	Advance Thyroxin Assay	Kit: 100 tests	05/11/82
Syva Co.	Antiepileptic Drug Control	Vial: 10ml , Lyophilized	08/27/74
Syva Co.	EMIT Thyroxine Assay, Cat. No. 6J909	Glass Bottle: 4oz., Kit: 500 Assays	01/23/89
Syva Co.	Emit 2000 Phenobarbital Assay (Convenience Pack).	Kit: 1 cassette; Cassette: 11ml	08/05/91
Syva Co.	Emit 2000 Phenobarbital Assay; Enzyme Reagent 2.	Kit: 1 bottle; Bottle: 15ml	08/05/91
Syva Co.	Emit 2000 Phenobarbital Calibrators (5, 10, 20, 40, 80).	Kit: 5 vials	08/05/91
Syva Co.	Emit 700 Amphetamine Assay Catalog No. 3C919.	Bottle: 180ml	10/12/84
Syva Co.	Emit 700 Barbiturate Assay Catalog No. 3D919.	Bottle: 180ml	10/12/84
Syva Co.	Emit 700 Benzodiazepine Assay Reagent 2.	Glass Bottle: 180ml, Kit: 2 bottles	02/21/89
Syva Co.	Emit 700 Calibrator A Catalog No. 3A919	Bottle: 3ml	10/05/84

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Syva Co.	Emit 700 Calibrator B Catalog No. 3A969	Bottle: 3ml	10/05/84
Syva Co.	Emit 700 Cannabinoid (100) Assay Catalog No. 3M919.	Bottle: 180ml	10/12/84
Syva Co.	Emit 700 Cannabinoid (100) Calibrator Catalog No. 3M969	Bottle: 3ml	10/09/84
Syva Co.	Emit 700 Cannabinoid (20) Assay, Catalog No. 3M959.	Plastic Bottle: 180ml	09/15/86
Syva Co.	Emit 700 Cannabinoid 100ng Assay, Positive Control.	Bottle: 3ml	07/31/89
Syva Co.	Emit 700 Cannabinoid 20ng Assay Calibrator.	Glass Bottle: 5ml, Kit: 2 bottles	02/21/89
Syva Co.	Emit 700 Cannabinoid 20ng Assay Control Set-Positive Control.	Glass Bottle: 5ml, Kit: 2 bottles	02/21/89
Syva Co.	Emit 700 Cannabinoid Control Set Catalog No. 3M989.	2 Bottles: 3ml	10/09/84
Syva Co.	Emit 700 Cocaine Metabolite Assay Catalog No. 3H919.	Bottle: 180ml	10/12/84
Syva Co.	Emit 700 Control Set A Catalog No. 3A939.	2 Bottles: 3ml	10/09/84
Syva Co.	Emit 700 Control Set B Catalog No. 3A989.	2 Bottles: 3ml	10/09/84
Syva Co.	Emit 700 Methaqualone Assay Catalog No. 3Q919.	Bottle: 180ml	10/19/84
Syva Co.	Emit 700 Opiate Assay Catalog No. 3B919.	Bottle: 180ml	10/12/84
Syva Co.	Emit 700 Phencyclidine Assay Catalog No. 3J919.	Bottle: 180ml	10/12/84
Syva Co.	Emit AED-No. 1 Calibrator	Vial: 3ml, Lyophilized	08/27/74
Syva Co.	Emit AED-No. 2 Calibrator	Vial: 3ml, Lyophilized	08/27/74
Syva Co.	Emit AED-No. 3 Calibrator	Vial: 3ml, Lyophilized	08/27/74
Syva Co.	Emit AED-No. 4 Calibrator	Vial: 3ml, Lyophilized	08/27/74
Syva Co.	Emit AED-No. 5 Calibrator	Vial: 3ml, Lyophilized	08/27/74
Syva Co.	Emit Amphetamine Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Amphetamine Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Amphetamine Bulk Reagent B	Glass bottle: 1000ml	12/05/90
Syva Co.	Emit Barbiturate Bulk Powder Reagent 2	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Barbiturate Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Barbiturate Bulk Reagent B	Glass Bottle: 1000ml	12/05/90
Syva Co.	Emit Benzodiazepine Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Benzodiazepine Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Benzodiazepine Bulk Reagent B	Glass Bottle: 1000ml	12/05/90
Syva Co	Emit Calibrator B Level 1 (cutoff)	Vial: 5ml, 25ml	06/19/91
Syva Co.	Emit Calibrator B Level 2 (high)	Vial: 5ml, 25ml	06/19/91
Syva Co.	Emit Cannabinoid (100) Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Cannabinoid (100) Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Cannabinoid Bulk Reagent B	Glass bottle: 1000ml	12/05/90
Syva Co.	Emit Cocaine Metabolite Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Cocaine Metabolite Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Cocaine Metabolite Bulk Reagent B	Glass Bottle: 1000ml	12/05/90
Syva Co.	Emit Convenience Pack Phenobarbital Assay: Catalog No. 5D009.	Plastic Cassette: 100 tests	11/23/87
Syva Co.	Emit Convenience Pack: T-Uptake Assay (Thyroid Hormone Binding Ratio).	Kit: 100 Tests Ea. Kit-Plastic Cassette: 16 ml.	05/09/88
Syva Co.	Emit Convenience Pack: Thyroxine Assay Enzyme Reagent B.	Plastic Cassette: 8ml, Kit: 100 Assays	02/22/89
Syva Co.	Emit Delta 9 Cannabinoid 100 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89
Syva Co.	Emit Delta 9 Cannabinoid 20 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89
Syva Co.	Emit Delta 9 Cannabinoid 400 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89
Syva Co.	Emit Delta 9 Cannabinoid 50 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Syva Co.	Emit HVA Amphetamine Assay Catalog No. 3C619.	Kit: 2500 Assays	06/30/88
Syva Co.	Emit HVA Barbiturate Assay Catalog No. 3D619.	Kit: 2500 Assays	06/30/88
Syva Co.	Emit HVA Calibrator Kit Catalog No. 3A619.	Kit: 500 Tests Each Kit - 2 Glass Bottles 100 ml..	05/10/88
Syva Co.	Emit HVA Cannabinoid 100 ng Assay Control Kit, Catalog No. 3M739.	Kit: 2 Bottles, 50 ml. ea.	07/15/88
Syva Co.	Emit HVA Cannabinoid 100 ng. Assay Calibrator Kit, Catalog No. 3M729.	Kit: 3 Bottles 50 ml. ea.	07/15/88
Syva Co.	Emit HVA Cannabinoid 100 ng. Assay Kit, Catalog No. 3M719.	Kit: 2500 Assays	07/15/88
Syva Co.	Emit HVA Cocaine Metabolite Assay Catalog No. 3H619.	Bottle: 125 ml	05/10/88
Syva Co.	Emit HVA Control Kit Catalog No. 3A629	Kit: 500 Tests Each Kit-2 Glass Bottles - 100 ml.	05/10/88
Syva Co.	Emit HVA Opiate Assay Catalog No. 3B619.	Bottle: 125 ml	05/10/88
Syva Co.	Emit HVA Phencyclidine Assay Catalog No. 3J619.	Bottle: 125 ml	05/19/88
Syva Co.	Emit II Barbiturate Assay	Kit: 100ml, 500ml Bottle: 4oz, 500ml	06/29/90
Syva Co.	Emit II Calibrator A Level 1 (Cutoff)	Vial: 10ml, 50ml	06/29/90
Syva Co.	Emit II Calibrator A Level 2 (high)	Vial: 10ml, 50ml	06/29/90
Syva Co.	Emit II Cannabinoid 20ng, 50ng, 100ng Assay.	Bottle: 4oz, 500ml; Kit: 100ml, 500ml	10/12/90
Syva Co.	Emit II Cocaine Metabolite Assay	Kit: 100ml, 500ml Bottle: 4oz, 500ml	06/29/90
Syva Co.	Emit II Delta 9 Cannabinoid 20ng/ml, 50ng/ml, 100ng/ml, 200ng/ml, Calibrator/Control.	Vial: 10ml, 50ml	10/12/90
Syva Co.	Emit II Methadone Assay	Kit: 2 vials	01/26/93
Syva Co.	Emit II Methadone Assay Reagent 2	Bottle: 100ml, 500ml	01/26/93
Syva Co.	Emit II Methaqualone Assay	Kit: 2 vials	01/26/93
Syva Co.	Emit II Methaqualone Assay Reagent 2	Bottle: 100ml, 500ml	01/26/93
Syva Co.	Emit II Monoclonal Amphetamine/Methamphetamine Assay.	Kit: 2 vials	01/26/93
Syva Co.	Emit II Monoclonal Amphetamine/Methamphetamine Assay Enzyme Reagent 2.	Vial: 100ml, 500ml	01/26/93
Syva Co.	Emit II Opiate Assay	Kit: 100ml, 500ml Bottle: 4oz, 500ml	06/29/90
Syva Co.	Emit II Phencyclidine Assay	Bottle: 4oz, 500ml; Kit: 100ml, 500ml	10/26/90
Syva Co.	Emit Methadone Bulk Powder Reagent 2	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Methadone Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Methaqualone Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Methaqualone Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Opiate Bulk Powder Reagent 2	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Opiate Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Opiate Bulk Reagent B	Glass bottle: 1000ml	12/05/90
Syva Co.	Emit Phencyclidine Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Phencyclidine Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Phencyclidine Bulk Reagent B	Glass Bottle: 1000ml	12/05/90
Syva Co.	Emit Phenobarbital Bulk Powder Reagent B.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Phenobarbital Bulk Powder Reagent B Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Phenobarbital Enzyme Reagent B	Vial: 6 ml , Lyophilized	08/27/74
Syva Co.	Emit Qst Phenobarbital Bulk Powder Reagent.	Steel Drum: 7 gallon	06/05/86
Syva Co.	Emit Qst Primidone Assay Catalog No. 60819.	Glass Vial: 6ml, 50 Vials/Kit	11/12/85
Syva Co.	Emit Serum Barbiturate-Enzyme Reagent B.	Bottle: 3ml	05/22/79
Syva Co.	Emit T-Uptake Assay	Bottle: 4 oz., 1L, Kit: 500 tests, 5000 tests.	05/25/89
Syva Co.	Emit T-Uptake Assay (Thyroid Hormone Binding Ratio) Catalog No. 6J519.	Polyethylene Bottle: 4 oz.	02/29/88
Syva Co.	Emit T-Uptake Bulk Powder Reagent A	Bottle: 1000 ml	10/04/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Syva Co.	Emit T-Uptake Bulk Powder Reagent A Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Thyroxine Assay	Glass Bottle: 8 oz., 1L, Kit: 1300 tests, 5000 tests.	05/25/89
Syva Co.	Emit Thyroxine Bulk Powder Reagent B	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Thyroxine Bulk Powder Reagent B Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Tox Serum Benzodiazepine Assay Kit Containing: Emit Enzyme Reagent B.	Bottle: 3ml	02/01/79
Syva Co.	Emit d.a.u. Amphetamine Assay Catalog Nos. 3C019, 3C119.	Kit: 100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u. Amphetamine Class Low Calibrator, Cat. No. 3C179.	Glass Vial: 5ml	01/30/89
Syva Co.	Emit d.a.u. Amphetamine Class Medium Calibrator, Cat. No. 3C189.	Glass Vial: 5ml	01/30/89
Syva Co.	Emit d.a.u. Benzodiazepine Assay Catalog Nos. 3F019, 3F119.	Kit: 100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u. Cannabinoid 100 ng Assay, Catalog No. 3M119.	Kit: 1000 tests	09/12/86
Syva Co.	Emit d.a.u. Cannabinoid 100ng Assay Calibrator.	Kit: 3 vials	07/31/89
Syva Co.	Emit d.a.u. Cannabinoid 100ng Assay Low Calibrator.	Vial: 3ml	07/31/89
Syva Co.	Emit d.a.u. Cannabinoid 100ng Assay Medium Calibrator.	Vial: 3ml	07/31/89
Syva Co.	Emit d.a.u. Cannabinoid 20ng Assay Catalog No. 3M619.	Kit: 100 tests	02/10/86
Syva Co.	Emit d.a.u. Cannabinoid 20ng Enzyme Reagent B.	Vial: 10ml Lyophilized Powder	02/10/86
Syva Co.	Emit d.a.u. Cannabinoid 50 ng Assay Calibrators, Low And Medium: Cat. No. 3M509.	Vial: 5 ml	06/01/88
Syva Co.	Emit d.a.u. Cannabinoid 50 ng Assay: Cat. No. 3M519.	Kit: 100 tests	06/01/88
Syva Co.	Emit d.a.u. Cannabinoid Assay Catalog No. 3M019.	Kit: 100 tests	09/24/84
Syva Co.	Emit d.a.u. Cannabinoid Urine Calibrator Set.	Kit: 3 Vials, 3ml Each	01/03/80
Syva Co.	Emit d.a.u. Cocaine Metabolite Assay Catalog Nos. 3H019, 3H119.	Kit: 100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u. Low Calibrator A	Vial: 5 ml	06/30/89
Syva Co.	Emit d.a.u. Low Calibrator A	Bottle: 5ml	07/20/84
Syva Co.	Emit d.a.u. Low Calibrator A, Catalog No. 3C579.	5 ml vial	10/06/88
Syva Co.	Emit d.a.u. Medium Calibrator A	Vial: 5 ml	06/30/89
Syva Co.	Emit d.a.u. Medium Calibrator A, Catalog No. 3C569.	5 ml vial	10/06/88
Syva Co.	Emit d.a.u. Medium Calibrator B	Bottle: 5ml	08/03/84
Syva Co.	Emit d.a.u. Methadone Assay Catalog Nos. 3E019, 3E119.	Kit: 100 tests, 1000 tests	10/05/84
Syva Co.	Emit d.a.u. Monoclonal Amphetamine/Methamphetamine Assay, Catalog No3C549 100 tests, 3C559 1000 tests.	Kit: 100 tests, 1000 tests	10/06/88
Syva Co.	Emit d.a.u. Opiate Assay Catalog Nos. 3B019, 3B119.	Kit: 100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u. Phencyclidine Assay Kit Containing: (1)Emit Phencyclidine Enzyme Reagent B.	Bottle: 6ml	02/01/79
Syva Co.	Emit d.a.u.Barbiturate Assay Catalog Nos. 3D019, 3D119.	Kit: 100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u.Low Calibrator B	Bottle: 5ml	08/03/84
Syva Co.	Emit d.a.u.Medium Calibrator A	Bottle: 5ml	07/20/84
Syva Co.	Emit- Tox Serum Barbiturate Assay	Kit: 50 tests	05/22/79
Syva Co.	Emit-Qst Phenobarbital Assay, Catalog Number 6D819.	Kit: 50 Vials	01/18/84
Syva Co.	Emit-Tox Serum Calibrators; Low and Medium.	Bottle: 3ml	02/01/79
Syva Co.	Emit-d.a.u. Methaqualone Assay	Kit: 100 tests	04/27/82
Syva Co.	Emit-st Amphetamine Assay	Vial: 3ml, 80 vials/kit	10/03/80
Syva Co.	Emit-st Barbiturate Assay	Vial: 3ml, 80 vials/kit	10/03/80
Syva Co.	Emit-st Benzodiazepine Assay	Vial: 3ml, 80 vials/kit	10/03/80

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Syva Co.	Emit-st Cannabinoid Assay Catalog No. 3M319.	Vial: 6ml, 80 Vials/Kit	09/27/84
Syva Co.	Emit-st Cannabinoid Calibrator	Vial: 3ml, 2 vials/kit	07/10/81
Syva Co.	Emit-st Cannabinoid Controls	Vial: 3ml, 2 vials/kit	07/10/81
Syva Co.	Emit-st Opiate Assay	Kit: 3ml, 80 vials/kit	10/03/80
Syva Co.	Emit-st Phencyclidine Assay	Vial: 3ml, 80 vials/kit	01/07/81
Syva Co.	Emit-st Serum Barbiturate Assay	Vial: 3ml, 80 vials/kit	02/16/81
Syva Co.	Emit-st Serum Benzodiazepine Assay	Vial: 3ml, 80 vials/kit	02/16/81
Syva Co.	Emit-st Serum Calibrator	Vial: 3ml	02/16/81
Syva Co.	Emit-st Serum Controls	Vial: 3ml, 2 vials/kit	02/16/81
Syva Co.	Emit-st Serum Phencyclidine Assay	Vial: 3ml, 80 vials/kit	02/16/81
Syva Co.	Emit-st Urine Calibrator A	Vial: 1ml, 3 vials/kit	10/03/80
Syva Co.	Emit-st Urine Cocaine Metabolite Assay	Vial: 3ml, 80 Vials/Kit	03/16/82
Syva Co.	Emit-st Urine Controls A	Vial: 1ml, 6 vials/kit	10/03/80
Syva Co.	Emit-st Urine Methadone Assay	Vial: 3ml , 80 vials/kit	03/22/82
Syva Co.	Emit-st Urine Methaqualone Assay	Kit: 80 Vials	04/27/82
Syva Co.	Emit-st Urine Methaqualone Calibrator	Vial: 3ml	04/27/82
Syva Co.	Emit-st Urine Methaqualone Controls	Vial: 3ml	04/27/82
Syva Co.	IL test AED Calibrator 1	Vial: 5ml	04/06/90
Syva Co.	IL test AED Calibrator 2	Vial: 5ml	04/06/90
Syva Co.	IL test AED Calibrator 3	Vial: 5ml	04/06/90
Syva Co.	IL test AED Calibrator 4	Vial: 5ml	04/06/90
Syva Co.	IL test AED Calibrator 5	Vial: 5ml	04/06/90
Syva Co.	IL test Cannabinoid 100ng, 400ng calibrator.	Vial: 5ml	04/06/90
Syva Co.	IL test set A calibrator	Vial: 5ml	04/06/90
Syva Co.	IL test set A control	Vial: 5ml	04/06/90
Syva Co.	IL test set B calibrator	Vial: 5ml	04/06/90
Syva Co.	IL test set B control	Vial: 5ml	04/06/90
Syva Co.	Vista Thyroxine Uptake Reagent Cartridge.	Cartridge: 4ml	01/22/93
Syva Co.	Vista Triiodothyronine (T3) Reagent Cartridge.	Cartridge: 2.02 ml	09/11/92
Tempil Division. Big Three Industries, Inc .	Tempilaq Striped Mylar	Plastic Sheet: 6 by 12 in. 50 sheets per envelope.	09/22/76
The Binding Site, Inc	I.F.E. Buffer	Plastic Bottle: 125ml	12/05/91
The Binding Site, Inc	Immunofixation Kit	Kit: 125ml Plastic Bottle	12/05/91
The Theta Corp	Allobarbital No. FP305	Vial: 2ml	04/10/73
The Theta Corp	Amobarbital No. FP313	Vial: 2ml	04/10/73
The Theta Corp	Amphetamine No. FP604	Vial: 2ml	04/10/73
The Theta Corp	Anileridine No. FP203	Vial: 2ml	04/10/73
The Theta Corp	Aprobarbital No. FP306	Vial: 2ml	04/10/73
The Theta Corp	Barbital No. FP314	Vial: 2ml	04/10/73
The Theta Corp	Benzoylecgonine FP-1001	Vial: 2ml	01/24/87
The Theta Corp	Butabarbital No. FP315	Vial: 2ml	04/10/73
The Theta Corp	Butalbital No. FP307	Vial: 2ml	04/10/73
The Theta Corp	Chloral Betaine No. FP502	Vial: 2ml	04/10/73
The Theta Corp	Chloral Hydrate No. FP501	Vial: 2ml	04/10/73
The Theta Corp	Cocaine No. FP601	Vial: 2ml	04/10/73
The Theta Corp	Codeine No. FP102	Vial: 2ml	04/10/73
The Theta Corp	Cyclobarbital No. FP308	Vial: 2ml	04/10/73
The Theta Corp	Dihydrocodeine No. FP108	Vial: 2ml	04/10/73
The Theta Corp	Diphenoxylate No. FP205	Vial: 2ml	04/10/73
The Theta Corp	Ethchlorvynol No. FP508	Vial: 2ml	04/10/73
The Theta Corp	Ethylmorphine No. FP106	Vial: 2ml	04/10/73
The Theta Corp	FP207	Vial: 2ml	09/04/80
The Theta Corp	FP210	Vial: 2ml	05/15/84
The Theta Corp	FP214	Vial: 2ml	04/10/84
The Theta Corp	FP327	Vial: 2ml	04/10/84
The Theta Corp	FP405	Vial: 2ml	03/08/79
The Theta Corp	FP411	Vial: 2ml	05/15/84
The Theta Corp	FP412	Vial: 2ml	05/15/84
The Theta Corp	FP416	Vial: 2ml	05/15/84
The Theta Corp	FP512	Vial: 2ml	03/08/79
The Theta Corp	FP513	Vial: 2ml	03/08/79
The Theta Corp	FP514	Vial: 2ml	05/15/84
The Theta Corp	FP515	Vial: 2ml	03/08/79
The Theta Corp	FP556	Vial: 2ml	04/10/84
The Theta Corp	FP601A	Vial: 2ml	05/15/84
The Theta Corp	FP607	Vial: 2ml	05/15/84
The Theta Corp	FP609	Vial: 2ml	05/15/84
The Theta Corp	Fentanyl No. FP211	Vial: 2ml	04/10/73

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
The Theta Corp	Glutethimide No. FP404	Vial: 2ml	04/10/73
The Theta Corp	Heptabarbital No. FP309	Vial: 2ml	04/10/73
The Theta Corp	Hexobarbital No. FP303	Vial: 2ml	04/10/73
The Theta Corp	Hydrocodone No. FP107	Vial: 2ml	04/10/73
The Theta Corp	Hydromorphone No. FP103	Vial: 2ml	04/10/73
The Theta Corp	Levorphanol No. FP208	Vial: 2ml	04/10/73
The Theta Corp	Marker Mixture No. FPM-104	Vial: 2ml	04/10/73
The Theta Corp	Marker Mixture No. FPM-201	Vial: 2ml	04/10/73
The Theta Corp	Meperidine No. FP201	Vial: 2ml	04/10/73
The Theta Corp	Mephobarbital No. FP301	Vial: 2ml	04/10/73
The Theta Corp	Meprobamate No. FP402	Vial: 2ml	04/10/73
The Theta Corp	Methadone No. FP206	Vial: 2ml	04/10/73
The Theta Corp	Methamphetamine No. FP603	Vial: 2ml	04/10/73
The Theta Corp	Metharbital No. FP302	Vial: 2ml	04/10/73
The Theta Corp	Methohexital No. FP304	Vial: 2ml	04/10/73
The Theta Corp	Methylphenidate No. FP605	Vial: 2ml	04/10/73
The Theta Corp	Monthly Urine Test No. FPM-103	Vial: 2ml	04/10/73
The Theta Corp	Morphine No. FP101	Vial: 2ml	04/10/73
The Theta Corp	Oxycodone No. FP109	Vial: 2ml	04/10/73
The Theta Corp	Oxymorphone No. FP104	Vial: 2ml	04/10/73
The Theta Corp	Paraldehyde No. FP506	Vial: 2ml	04/10/73
The Theta Corp	Pentobarbital No. FP318	Vial: 2ml	04/10/73
The Theta Corp	Phenazocine No. FP213	Vial: 2ml	04/10/73
The Theta Corp	Phenmetrazine No. FP606	Vial: 2ml	04/10/73
The Theta Corp	Phenobarbital No. FP320	Vial: 2ml	04/10/73
The Theta Corp	Piminodine No. FP202	Vial: 2ml	04/10/73
The Theta Corp	Probarbital No. FP319	Vial: 2ml	04/10/73
The Theta Corp	Secobarbital No. FP310	Vial: 2ml	04/10/73
The Theta Corp	Talbutal No. FP311	Vial: 2ml	04/10/73
The Theta Corp	Test Mixture SM No. 1	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture SM No. 2	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture SM No. 3	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture SM No. 4	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture SP No. 1	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture SP No. 2	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture SP No. 3	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture SP No. 4	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture TM No. 1	Vial: 2ml	06/19/74
The Theta Corp	Test Mixture TM No. 2	Vial: 2ml	06/19/74
The Theta Corp	Thiamylal No. FP322	Vial: 2ml	04/10/73
The Theta Corp	Thiopental No. FP321	Vial: 2ml	04/10/73
The Theta Corp	Vinbarbital No. FP312	Vial: 2ml	04/10/73
The Theta Corp	Weekly Urine Test (FDA) No. FPM-101	Vial: 2ml	04/10/73
The Theta Corp	Weekly Urine Test (States) No. FPM-102	Vial: 2ml	04/10/73
Toxi-Lab, Inc	Proficiency Sample	Plastic Bottle Containing 40 ml	06/22/82
Toxi-Lab, Inc	Special Toxi-Discs	Plastic Vial or Bottle Containing 50 Standard Discs.	03/30/77
Toxi-Lab, Inc	Supplemental Standard Toxi-Discs No. SD-4 Catalog No. 234.	Plastic Vial Containing 50 Standard Discs	06/15/88
Toxi-Lab, Inc	Supplemental Standard Toxi-Discs No. SD-5 Catalog No. 235.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Supplemental Standard Toxi-Discs No. SD-6 Catalog No. 236.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Control	Plastic Bottle Containing 50 ml	03/30/77
Toxi-Lab, Inc	Toxi-Control THC	Plastic Bottle Containing 50 ml	10/05/83
Toxi-Lab, Inc	Toxi-Disc A Series	Plastic Vial Containing 50 Standard Discs	05/06/75
Toxi-Lab, Inc	Toxi-Disc B Series	Plastic Vial Containing 50 Standard Discs	05/06/75
Toxi-Lab, Inc	Toxi-Discs Library II, No 3 Catalog No. 131C.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Discs Library II, No. 1 Catalog No. 131A.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Discs Library II, No. 10 Catalog No. 131K.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Discs Library II, No. 11, Catalog No. 131L.	Plastic visal containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Discs Library II, No. 12 Catalog No. 131M.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Discs Library II, No. 2 Catalog No. 131B.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Discs Library II, No. 5 Catalog No. 131E.	Plastic via containing 50 standard discs	06/15/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product Name	Form	Date
Toxi-Lab, Inc	Toxi-Discs Library II, No. 8 Catalog No. 131H.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc	Toxi-Discs THC	Plastic Vial Containing 50 Standard Discs	10/05/83
Toxi-Lab, Inc	Toxi-Grams	Glass Jar Containing 50 or 100 Chromatograms.	09/24/80
Toxi-Lab, Inc	Toxi-Lab Cannabinoid (THC) Screen	Kit: 50 tests	10/05/83
Tudor Laboratories, Inc	FPIA Phenobarbital Kit Cat. No. 105	Kit: 100 tests	11/27/89
Tudor Laboratories, Inc	Phenobarbital Calibrator Kit Cat. No. 205	Kit: 6 vials	11/27/89
Tudor Laboratories, Inc	Phenobarbital Calibrators B, C, D, E, F	Vial: 4.0 ml	11/27/89
Universal Reagents, Inc	Drug Monitoring & Toxicology No. DM 90-5, DM-62.	Bottle: 10 ml	10/09/90
Utak Laboratories	Toxicology Control-High Range Anticonvulsants No. 71910.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Barbiturates No. 71916.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Hypnotic Plus Acetaminophem, No. 71918.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Hypnotic Plus Salicylate, No. 71920.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Anticonvulsants No. 71911.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Barbiturates No. 71917.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Hypnotic Plus Acetaminophem, No. 71919.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Hypnotic Plus Salicylate, No. 71921.	Bottle: 10ml	04/14/80
Utak Laboratories	Toxicology Serum Control Dried #88112	Bottle: 10ml	07/29/82
Utak Laboratories	Toxicology Serum Control Dried #88113	Bottle: 10ml	07/29/82
Utak Laboratories	Toxicology Serum Control Dried #88120	Bottle: 10ml	07/29/82
Utak Laboratories	Toxicology Serum Control-Dried Catalog Nos. 44610, 44612, 44632, 44635, 44636, 44637, 44642, 44645, 44646, 44647, 44658.	Bottles	05/24/76
Utak Laboratories	Toxicology Urine Control Dried #88100	Bottle: 20ml	07/29/82
Utak Laboratories	Toxicology Urine Control Dried #88121	Bottle: 10ml	07/29/82
Utak Laboratories	Toxicology Urine Control-Dried Catalog Nos. 44650, 44651, 44652, 44653.	Bottle: 1 oz.	05/24/76
Ventrex Laboratories, Inc	PTH Antiserum	Vial: 5ml	04/12/90
Ventrex Laboratories, Inc	PTH Assay Buffer	Vial: 10ml	04/12/90
Ventrex Laboratories, Inc	PTH Omega Radioimmunoassay Kit	Kit: 60 tests	04/12/90
Ventrex Laboratories, Inc	PTH Second Antibody	Vial: 10ml	04/12/90
Ventrex Laboratories, Inc	PTH Tracer Buffer	Vial: 5 ml	04/12/90
Wien Laboratories, Inc	3H Dihydrotestosterone Cat. No. D-1916	Vial: 5.5ml	02/21/91
Wien Laboratories, Inc	3H Epi-Testosterone Cat. No. T-1028	Vial: 5.5ml	02/21/91
Wien Laboratories, Inc	3H Testosterone Cat. No. T-3027	Vial: 5.5ml	02/21/91
Wien Laboratories, Inc	ANS Buffer pH 8.6 Catalog No. T-5144	Plastic Bottle: 100ml	05/14/75
Wien Laboratories, Inc	Buffer Reagent pH 8.6 Catalog No. T-5065.	Bottle: 4oz.	12/22/72
Wien Laboratories, Inc	Coated Charcoal Suspension No. T-5077	Bottle: 4oz.	12/22/72
Wien Laboratories, Inc	Dihydrotestosterone Standard 1ng/ml Cat. No. D-1928.	Vial: 5.5ml	02/21/91
Wien Laboratories, Inc	Epi-Testosterone Standard, 10ng/ml Cat. No. T-1016.	Vial: 5.5ml	02/21/91
Wien Laboratories, Inc	Epi-Testosterone Test Set Cat. No. TS-1010.	Kit: 2 Bottles	02/21/91
Wien Laboratories, Inc	Methamphetamine: HRP EIA Conjugate	Vial: 5ml, 10ml	06/25/90
Wien Laboratories, Inc	T3 Buffer Reagent Catalog No. T-5156	Plastic Vial: 20ml	09/13/78
Wien Laboratories, Inc	Testosterone Standard, 10ng/ml Cat. No. T-3039.	Vial: 5.5ml	02/21/91
Wien Laboratories, Inc	Testosterone Test Set Cat. No. TS-333	Kit: 2 Bottles	02/21/91
Windsor Laboratories, Inc	Calibrators FPR Phenobarbital	Kit: 6 Vials	10/30/86
Windsor Laboratories, Inc	Phenobarbital Fluorescence Polarization Immunoassay Kit.	Kit: 100 tests	11/20/86

Dated: March 23, 1994.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 94–7568 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–09–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 104

[Docket No. R–94–1699; FR–3485–C–02]

Administrative Proceedings Under Section 812 for Fair Housing, Final Rule; Correction

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Final rule; correction.

SUMMARY: This notice makes corrections to a final rule that was published in the **Federal Register** on January 12, 1994 (59 FR 1642). The rule revised 24 CFR 104.500 and 104.540 to conform to Rule 35 of the Federal Rules of Civil Procedure, as interpreted in certain Federal court precedents.

EFFECTIVE DATE: February 11, 1994.

FOR FURTHER INFORMATION CONTACT: Myra L. Ransick, Assistant General Counsel for Regulations, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–3055. (This is not a toll-free number.) A telecommunications device for hearing impaired persons (TDD) is available at 1–800–843–8294.

SUPPLEMENTARY INFORMATION: This correction notice states (1) the correct section heading of 24 CFR 104.540; and (2) makes editorial changes to that section to reflect the deletions made in the final rule.

The Department would also like to correct a statement in the preamble to the rule.

Accordingly, FR Doc. 94–691, a final rule published in the **Federal Register** on January 12, 1994 (59 FR 1642), is corrected, and § 104.540 (a)(3) and (b)(4) is amended to read as follows:

1. On page 1643, in the preamble, in column 1, second full paragraph, the second sentence is corrected to read: "None of these other discovery methods requires that a matter be 'in controversy' and only Rule 34, until 1970, imposed a requirement that a moving party affirmatively demonstrate 'good cause'."

2. The section heading of 24 CFR 104.540 on page 1645 is corrected to read as follows:

§ 104.540 Production of documents and other evidence; entry upon land for inspection and other purposes; and physical and mental examinations.

3. Section 104.540 is amended by adding "or" after the semicolon at the end of (a)(1); deleting the semicolon and "or" at the end of (a)(2), and replacing these deletions with a period; and by adding "and" after the semicolon at the end of (b)(2); and deleting the semicolon and "and" after the semicolon at the end of (b)(3), and replacing these deletions with a period.

Dated: March 28, 1994.

Myra L. Ransick,

Assistant General Counsel for Regulations.

[FR Doc. 94–7752 Filed 3–30–94; 8:45 am]

BILLING CODE 4210–28–M

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 203, 213, and 234

[Docket No. R–94–1557; FR–2867–C–03]

RIN 2502–AF07

Single Family Mortgage Insurance Program Mortgage Assumability and Release Requirements, Final Rule; Correction

AGENCY: Office of the Assistant Secretary for Housing Federal Housing Commissioner, HUD.

ACTION: Final rule; Correction.

SUMMARY: The purpose of this document is to make editorial corrections to a final rule published on August 11, 1993 (58 FR 42645), that implemented sections 203 (g) and (r) of the National Housing Act (the Act). It will also add an introductory paragraph (c) to § 213.520, that was inadvertently omitted in the publication of the final rule.

EFFECTIVE DATE: September 10, 1993.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Office of Insured Single Family Housing, room 9266, Department of Housing an Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 708–3046; TDD (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 93–19180, a final rule published in the **Federal Register** on August 11, 1993 (58 FR 42645), is corrected to read as follows:

1. On page 42647, in the preamble, in the first column, in the ninth line from the bottom of the page, the word "mortgage" is corrected to read "mortgagee".

§ 203.41 [Corrected]

2. On page 42648, in § 203.41(a)(4), in the middle column, in the second sentence, the word "veteran's" is corrected to read "veterans' ".

3. On page 42649, the amendatory instruction for item 4 in the first column and the amendatory instruction for item 5 in the third column, that reads "would be" is corrected to read "is".

§ 203.512 [Corrected]

4. On page 42649, in § 203.512(b), in the third column, the fifth line is corrected to read, "property, or the sale or transfer of a beneficial interest in a trust".

5. On page 42649, in § 203.512(c), in the third column, in the third line, correct "sale or other" to read "sale of other", and also remove the comma in line seven.

6. On page 42650, in § 213.520, the amendatory instruction is corrected to read, "7. In § 213.520, paragraph (b) and the introductory text of paragraph (c) are revised to read as follows:", and the inadvertently omitted paragraph (c) introductory text is added to read as follows:

§ 213.520 Mortgage lien.

* * * * *

(c) With the prior approval of the Secretary, the mortgaged property may be subject to a second mortgage held by a mortgagee not described in paragraph (b) of this section. Unless the mortgage is for the purpose described in paragraph (d) of this section, it shall meet the following requirements:

* * * * *

§ 234.66 [Corrected]

7. On page 42650, in § 234.66(a)(3)(ii), in the second column, in the sixth line, correct "tights" to read "rights" and add a closing parenthesis at the end of the sentence in line 10.

8. On page 42650, in § 234.66(a)(4), in the third column, in the ninth line, correct "veteran's" to read "qualified veterans' ".

9. On page 42651, in § 234.66(d)(3), in the first column, the second line is corrected to read, "the HOME and HOPE programs, rights under an option to purchase, pre-".

Dated: March 28, 1994.

Myra L. Ransick,

Assistant General Counsel for Regulations.

[FR Doc. 94–7750 Filed 3–30–94; 8:45 am]

BILLING CODE 4210–27–M

24 CFR Part 3280

[Docket Nos. R–94–1497; FR–2622–C–05 and R–94–1632; FR–3380–C–04]

RIN Nos. 2502–AE66 and 2502–AF91

Manufactured Home Construction and Safety Standards: Correction; and Manufactured Home Construction and Safety Standards on Wind Standards: Correction

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Corrections to final rules.

SUMMARY: HUD published two final rules amending the Federal Manufactured Home Construction and Safety Standards (FMHCSS) on October 25, 1993 (58 FR 54975), and January 14, 1994 (59 FR 2456), to: (1) include preemptive standards significantly upgrading the existing energy conservation requirements; and (2) improve the resistance of manufactured homes to wind forces in areas prone to hurricanes. The October 25, 1993, rule is not to take effect until October 25, 1994, while the January 14, 1994, rule generally is to take effect on July 13, 1994. Because certain revisions included in the more recent rule would be nullified as of the later effective date of the October 1993 rule, the Department is issuing these corrections to preserve those provisions of the January 1994 rule that are intended to remain in effect after October 1994.

EFFECTIVE DATE: July 13, 1994.

FOR FURTHER INFORMATION CONTACT: David C. Nimmer, Director, Office of Manufactured Housing and Regulatory Functions, Department of Housing and Urban Development, 451 Seventh Street SW., ATTN: Mailroom B–133, Washington, DC 20410–8000. Telephones: (voice) (202) 755–7410; (TDD) (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: As explained in the Summary, this correction reconciles inconsistencies between the final rules published on October 25, 1993 (58 FR 54975), and January 14, 1994 (59 FR 2456). In addition, this correction addresses certain inconsistencies within each of the two rules.

The Department points out that there is no paragraph 48 in the October 25, 1993, rule; as a result of an editorial oversight on pages 55016 and 55017, the enumerated paragraphs go from "47" to "49". The item identified on page 54998 of the rule that would have been paragraph 48 affected storage rooms and was omitted from the final rule because commenters were concerned that the provision would unintentionally include closets.

Similarly, there is an error on page 54998 of the preamble in referring to a new paragraph in § 3280.112; the Department has not added a new paragraph to this section.

Several corrections have been made in references to standards included in 24 CFR 3280.304(b)(1). These corrections are necessary either to cite the standard properly or to include approved standards that were mentioned in the preamble of the October 25 rule, but were inadvertently omitted from the regulatory text.

Other corrections are also necessary in the January 14 rule. These corrections clarify a table and correct the inclusion of certain local governments in a listing of jurisdictions located in Wind Zone II. These local governments are already listed properly under jurisdictions located in Wind Zone III, as based on the Basic Wind Zone Map for Manufactured Housing that is part of the January 14 rule.

Need for Correction

Because of the delayed effective date of the rule published on October 25, 1993 (58 FR 54975), the Department must reconcile the October 25, 1993, rule with the rule published on January 14, 1994 (59 FR 2456). In addition, both rules contain errors that may be misleading or must be clarified.

Correction of Publications

Accordingly, FR Doc. 93–26019, the Manufactured Home Construction and Safety Standards final rule (FR–2622), published October 25, 1993 (58 FR 54975), and FR Doc. 94–825, the Manufactured Home Construction and Safety Standards on Wind Standards final rule (FR–3380), published January 14, 1994 (59 FR 2456) are corrected as follows:

Manufactured Home Construction and Safety Standards (FR–2622; 58 FR 54975, October 25, 1993)

1. On page 55003, in the first column, in § 3280.4, the address following the item "SJI" is corrected to read as follows: "Steel Joist Institute, 1205 48th Avenue North, suite A, Myrtle Beach, SC 29577".

2. On page 55003, in the first and second columns, the amendatory instruction for § 3280.5 is removed and the revised text for § 3280.5 is deleted.

3. On page 55005, in the second column and continuing into the third column, § 3280.302 is corrected by deleting the definition for "hurricane resistive manufactured home".

4. On page 54996, in the first column, in the preamble, and on page 55006, in the second column, in § 3280.304, the standard listed under "Voluntary Product Standard, Construction and Industrial Plywood" is corrected to read "PS–1–83".

5. On page 55006, in the second column, in § 3280.304, paragraph (b)(1) is corrected by adding the following standard under the heading "Wood and Wood Products", after the item "Design and Fabrication of Plywood Sandwich Panels, Suppl.4—APA–U–814G–1990."

Performance Standards and Policies for Structural Use Panels—APA–PRP–E–108P, E445N–1989.

6. On page 55006, in the third column, in § 3280.304, under the heading "Unclassified", the standards referenced for the item "Performance Standard for Wood-Based Structural Use Panels" is clarified by adding "(also known as NIST Standard PS–2–92)" after "PS–2–92, APA".

7. On page 55006, in the third column, in amendatory instruction 22. for § 3280.305, the amendatory instructions concerning paragraphs (b)(4) and (d) are removed and the text of paragraphs (b)(4) and (d) are removed.

8. On page 55007, in the second column, amendatory instruction 23. for § 3280.306 is removed and the introductory text of paragraph (a) of § 3280.306 is removed.

9. On page 55011, in the first column, in § 3280.506, paragraph (a) is corrected by inserting a comma between the words "infiltration" and "ventilation".

Manufactured Home Construction and Safety Standards on Wind Standards (FR–3380; 59 FR 2456, January 14, 1994)

10. On page 2469, in the first column, the authority citation for part 3280 is revised to read as follows, and the authority citations following all of the sections in part 3280 are removed:

Authority: 42 U.S.C. 5403 and 42 U.S.C. 3535(d).

11. On page 2470, in the Table of Design Wind Pressures, references to footnotes "4, 6, 7" are added in the column headed "Element" after each of the line entries "Within 3'–0" from each gable end (overhang at endwall) of the roof or endwall if no overhang is provided", "Within 3'–0" from the ridge and eave (overhang at sidewall) or sidewall if no eave is provided", "Eaves (Overhangs at Sidewalls)", and "Gables (Overhangs at Endwalls)"; the dot leaders are removed in the second and third columns of the table and in the first column after "Wall studs in

sidewalls and endwalls, exterior windows and sliding glass doors (glazing and framing), exterior coverings, sheathing and fastenings"; the entries associated with the requirements for "Wall studs in sidewalls and endwalls, exterior windows and sliding glass doors (glazing and framing), exterior coverings, sheathing and fastenings" are corrected by moving the entry "±48 PSF" down one line in the column headed "Wind zone II design wind speed 100 MPH" and by moving the entry "±58 PSF" down one line in the column headed "Wind zone III design wind speed 110 MPH", in order to align these entries with the item designated as "Within 3'–0" from each corner of the sidewall and endwall" in the first column of the table; and, in the footnotes, the numerals "4" and "7" immediately after the superscript numerals "4" and "7", respectively, are removed.

12. On page 2470, in the second column and continuing into the third column, in § 3280.305, paragraph (c)(2)(ii) is corrected by removing from the Wind Zone II listing under "Louisiana" the parishes of Jefferson, La Fourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. Mary, and Terrabonne, and by removing from the Wind Zone II listing under "North Carolina" the counties of Carteret, Dare, and Hyde.

13. On page 2474, in the first column, in § 3280.403, paragraph (b) and the introductory text of paragraph (e) are corrected to read as follows:

§ 3280.403 Standard for windows and sliding glass doors used in manufactured homes.

* * * * *

(b) *Standard.* All primary windows and sliding glass doors shall comply with AAMA Standard 1701.2–1985, Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing, except that by January 17, 1995, the exterior and interior pressure tests shall be conducted at the design wind loads required for components and cladding specified in § 3280.305(c)(1).

* * * * *

(e) *Certification.* All primary windows and sliding glass doors to be installed in manufactured homes shall be certified as complying with AAMA Standard 1701.2–1985. As of January 17, 1995, this certification must be based on tests conducted at the design wind loads specified in § 3280.305(c)(1).

* * * * *

14. On page 2474, in the second column, in § 3280.404, paragraphs (b) and (e) are corrected to read as follows:

§ 3280.404 Standard for egress windows and devices for use in manufactured homes.

* * * * *

(b) *Performance.* Egress windows including auxiliary frame and seals, if any, shall meet all requirements of AAMA Standard 1701.2–1985, Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing and AAMA Standard 1704–1985, Voluntary Standard Egress Window Systems for Utilization in Manufactured—Housing, except that by January 17, 1995, the exterior and interior pressure tests for components and cladding shall be conducted at the design wind loads required by § 3280.305(c)(1).

* * * * *

(e) *Certification of egress windows and devices.* Egress windows and devices shall be listed in accordance with the procedures and requirements of AAMA Standard 1704–1985. As of January 17, 1995, this certification must be based on tests conducted at the design wind loads specified in § 3280.305(c)(1).

* * * * *

Authority: 42 U.S.C. 5403 and 42 U.S.C. 3535(d).

Dated: March 28, 1994.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 94–7751 Filed 3–30–94; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Parts 401–406, 408, 409, 417, 451–453, 457 and 458

RIN 1294–AA11

Technical Amendments of Rules Relating to Labor-Management Standards and Standards of Conduct for Federal Sector Labor Organizations

AGENCY: Office of Labor-Management Standards, Office of the American Workplace, Labor.

ACTION: Final rule.

SUMMARY: This document makes a number of technical amendments to chapter IV of the Department of Labor's regulations. These changes are necessary because of a reorganization within the Department which established the Office of the American Workplace (OAW) and transferred the Office of Labor-Management Standards to OAW. This document also makes other technical corrections.

EFFECTIVE DATE: March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, room N–5605, Washington, DC 20210, (202) 219–7373 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Secretary's Order No. 2–93, dated July 21, 1993 (published August 10, 1993, 58 FR 42578), established the Office of the American Workplace (OAW) headed by the Assistant Secretary for the American Workplace, and transferred the Office of Labor-Management Standards (OLMS) to OAW to assist the Assistant Secretary in carrying out the responsibilities assigned to him in connection with the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), 29 U.S.C. 401 *et seq.*; section 1209 of the Postal Reorganization Act of 1970, 39 U.S.C. 1209; and the provisions relating to standards of conduct for labor organizations in the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. 7120, and the Foreign Service Act of 1980 (FSA), 22 U.S.C. 4117. OLMS is now an office within OAW headed by the Deputy Assistant Secretary for Labor-Management Standards.

As a result of this reorganization, it is necessary to make a number of technical amendments to the Department's regulations.

First, the authority citation for each part in chapter IV of title 29 of the Code of Federal Regulations is amended to replace "Secretary's Order No. 3–84 (49 FR 20578)" with "Secretary's Order No. 2–93 (58 FR 42578)." Second, the definition of "Assistant Secretary" is changed from "Assistant Secretary for Labor-Management Standards" to "Assistant Secretary for the American Workplace." Third, the definition of "Office of Labor-Management Standards" is revised to state that it is part of the Office of the American Workplace. Fourth, references to OLMS "Area Administrators" are changed to "Regional Directors" to reflect the change in the title of those positions. Finally, the definitions of "Regional Director" and "Director" are revised to add a reference to the Office of the American Workplace.

In addition, a number of technical corrections have been made regarding the authority citations. First, the authority citation for part 401 has been

corrected to refer to the amendment made to § 401.4 by § 320 of title III of the Bankruptcy Reform Act of 1978, Public Law 95–598, 92 Stat. 2678. Second, in the authority citations for parts 402–405, 408, and 409, a reference to LMRDA section 207 has been added (along with the appropriate citations to the United States Code). Third, the authority citation for part 409 has been further corrected to refer to LMRDA section 208 (along with the appropriate citation to the United States Code), to refer to the amendment made to LMRDA section 211 by section 111(a)(2)(d) of the Employee Retirement Income Security Act of 1974, Public Law 93–406, 88 Stat. 852, and to refer to the appropriate Statutes at Large citations. Finally, the authority citation for part 453 has been corrected to refer to the amendment made to LMRDA section 502 by Public Law 89–216, 79 Stat. 888.

Also, technical changes have been made to the regulations which include information collections to refer to the Office of Management and Budget (OMB) control numbers in accordance with the Paperwork Reduction Act and OMB regulations at 5 CFR 1320.7(e)(2). For parts 402–406, 408, and 409, a new section has been added to publish the OMB control number. For § 458.3, a citation to the OMB control number has been added in a parenthetical statement at the end of that provision.

Finally, a correction has been made to section 417.16 to change the reference to § 417.2(e) to § 417.2(b).

Publication in Final

The undersigned has determined that this reorganization and amendment of the regulations need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), 5 U.S.C. 553; since this rulemaking merely reflects agency organization, procedure, and practice, it is exempt under section 553(b)(A) of the APA.

Effective Date

Furthermore, the undersigned has determined that good cause exists for waiving the customary requirement for delay in the effective date of a final rule for 30 days following its publication since this rule is technical and nonsubstantive, and merely reflects agency organization, practice, and procedure. Therefore, these amendments shall be effective upon publication. See 5 U.S.C. 553(d).

Administrative Requirements

A. Executive Order 12866

The Department of Labor has determined that this rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866 in that it will not (1) have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

B. Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analysis do not apply. See 5 U.S.C. 601(2). Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

This rule contains no additional information collection requirements. The information collection requirements in the regulations to which this rule makes technical amendments have been approved by the Office of Management and Budget (OMB control number 1214–0001).

List of Subjects

29 CFR Parts 401, 417, 451, 452, and 457

Labor unions.

29 CFR Parts 402, 403, 404, 408, and 458

Labor unions, Reporting and recordkeeping requirements.

29 CFR 405 and 406

Labor management relations, Reporting and recordkeeping requirements.

29 CFR 409

Insurance companies, Reporting and recordkeeping requirements.

29 CFR Part 453

Labor unions, Surety bonds.

Adoption of Amendments of Regulations

In consideration of the foregoing, the Office of Labor-Management Standards, Office of the American Workplace, Department of Labor hereby amends chapter IV of title 29 of the Code of Federal Regulations as set forth below.

PART 401—MEANING OF TERMS USED IN THIS SUBCHAPTER

1. The authority citation for part 401 is revised to read as set forth below:

Authority: Secs. 3, 208, 301, 401, 402, 73 Stat. 520, 529, 530, 532, 534 (29 U.S.C. 402, 438, 461, 481, 482); Secretary's Order No. 2–93 (58 FR 42578); § 401.4 also issued under sec. 320 of Title III of the Bankruptcy Reform Act of 1978, Pub. L. 95–598, 92 Stat. 2678.

§ 401.4 [Amended]

2a. Section 401.4 is amended by removing the authority citation.

2b. Section 401.18 is revised to read as follows:

§ 401.18 Office.

Office means the Office of Labor-Management Standards, Office of the American Workplace, United States Department of Labor.

3. Section 401.19 is revised to read as follows:

§ 401.19 Assistant Secretary.

Assistant Secretary means the Assistant Secretary of Labor for the American Workplace, head of the Office of the American Workplace.

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

4. The authority citation for part 402 is revised to read as follows:

Authority: Secs. 201, 207, 208, 73 Stat. 524, 529 (29 U.S.C. 431, 437, 438); Secretary's Order No. 2–93 (58 FR 42578).

5. A new § 402.13 is added to read as follows:

§ 402.13 OMB control number.

The collecting of information requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 1214–0001.

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

6. The authority citation for part 403 is revised to read as follows:

Authority: Secs. 201, 207, 208, 301, 73 Stat. 524, 529, 530 (29 U.S.C. 431, 437, 438, 461); Secretary's Order No. 2–93 (58 FR 42578).

7. A new § 403.11 is added to read as follows:

§ 403.11 OMB control number.

The collecting of information requirements in this part have been approved by the Office of Management

and Budget and assigned OMB control number 1214–0001.

PART 404—LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT

8. The heading for part 404 is revised to read "Labor Organization Officer and Employee Reports."

9. The authority citation for part 404 is revised to read as follows:

Authority: Secs. 202, 207, 208, 73 Stat. 525, 529 (29 U.S.C. 432, 437, 438); Secretary's Order No. 2–93 (58 FR 42578).

10. A new § 404.9 is added to read as follows:

§ 404.9 OMB control number.

The collecting of information requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 1214–0001.

PART 405—EMPLOYER REPORTS

11. The authority citation for part 405 is revised to read as follows:

Authority: Secs. 203, 207, 208, 73 Stat. 526, 529 (29 U.S.C. 433, 437, 438); Secretary's Order No. 2–93 (58 FR 42578).

12. A new § 405.11 is added to read as follows:

§ 405.11 OMB control number.

The collecting of information requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 1214–0001.

PART 406—REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS; CERTAIN AGREEMENTS WITH EMPLOYERS

13. The authority citation for part 406 is revised to read as follows:

Authority: Secs. 203, 207, 208, 73 Stat. 526, 529 (29 U.S.C. 433, 437, 438); Secretary's Order No. 2–93 (58 FR 42578).

14. A new § 406.10 is added to read as follows:

§ 406.10 OMB control number.

The collecting of information requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 1214–0001.

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

15. The authority citation for part 408 is revised to read as follows:

Authority: Secs. 201, 207, 208, 301, 73 Stat. 524, 529, 530 (29 U.S.C. 431, 437, 438, 461); Secretary's Order No. 2–93 (58 FR 42578).

16. A new § 408.13 is added to read as follows:

§ 408.13 OMB control number.

The collecting of information requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 1214–0001.

PART 409—REPORTS BY SURETY COMPANIES

17. The authority citation for part 409 is revised to read as follows:

Authority: Secs. 207, 208, 211; 79 Stat. 888; 88 Stat. 852; (29 U.S.C. 437, 438, 441); Secretary's Order No. 2–93 (58 FR 42578).

18. A new § 409.7 is added to read as follows:

§ 409.7 OMB control number.

The collecting of information requirements in this part have been approved by the Office of Management and Budget and assigned OMB control number 1214–0001.

PART 417—PROCEDURE FOR REMOVAL OF LOCAL LABOR ORGANIZATION OFFICERS

19. The authority citation for part 417 is revised to read as follows:

Authority: Secs. 401, 402, 73 Stat. 533, 534 (29 U.S.C. 481, 482); Secretary's Order No. 2–93 (58 FR 42578).

§ 417.16 [Corrected]

20. Section 417.16 is amended by removing the reference to "§ 417.2(e)" and adding, in its place, "§ 417.2(b)."

PART 451—LABOR ORGANIZATIONS AS DEFINED IN THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

21. The authority citation for part 451 is revised to read as follows:

Authority: Secs. 3, 208, 401, 73 Stat. 520, 529, 532 (29 U.S.C. 402, 438, 481); Secretary's Order No. 2–93 (58 FR 42578).

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

22. The authority citation for part 452 is revised to read as follows:

Authority: Secs. 401, 402, 73 Stat. 532, 534 (29 U.S.C. 481, 482); Secretary's Order No. 2–93 (58 FR 42578).

PART 453—GENERAL STATEMENT CONCERNING THE BONDING REQUIREMENTS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

23. The authority citation for part 453 is revised to read as follows:

Authority: Sec. 502, 73 Stat. 536; 79 Stat. 888; (29 U.S.C. 502); Secretary's Order No. 2–93 (58 FR 42578).

PART 457—GENERAL

24. The authority citation for part 457 continues to read as follows:

Authority: 5 U.S.C. 7120, 7134; 22 U.S.C. 4117.

25. Section 457.13 and its footnote are revised to read as follows:

§ 457.13 Assistant Secretary.

Assistant Secretary means the Assistant Secretary of Labor for the American Workplace.[1]

26. Section 457.15 is revised to read as follows:

§ 457.15 Regional Director.

Regional Director means the Director of a regional office within the Office of Labor-Management Standards, Office of the American Workplace, with geographical boundaries as fixed by the Assistant Secretary.

27. Section 457.16 is revised to read as follows:

§ 457.16 Director.

Director means the Director of the Office of Elections, Trusteeships and International Union Audits within the Office of Labor-Management Standards, Office of the American Workplace.

PART 458—STANDARDS OF CONDUCT

28. The authority citation for part 458 continues to read as follows:

Authority: 5 U.S.C. 7105, 7111, 7120, 7134; 22 U.S.C. 4107, 4111, 4117.

29. Section 458.3 is amended by adding a parenthetical, as follows, at the end of the regulatory text:

§ 458.3 Application of LMRDA labor organization reporting requirement.

* * * * *

(Approved by the Office of Management and Budget under control number 1214–0001)

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[1] Pursuant to Secretary of Labor's Order No 2–93 (58 FR 42578), the Assistant Secretary for the American Workplace has the responsibility and authority for implementing the standards of conduct provisions of the CSRA and the FSA and the implementing regulations.

§§ 458.50, 458.51, 458.52, 458.56, 458.57, 458.59, 458.60, 458.61, 458.64, 458.66, 458.67, 458.79 [Amended]

30. In 29 CFR part 458, remove the words "Area Administrator" and add, in their place, the words "Regional Director" in the following places:

(a) Section 458.50(b);

(b) Section 458.52;

(c) Section 458.56;

(d) Section 458.57;

(e) Section 458.58;

(f) Section 458.59;

(g) Section 458.60;

(h) Section 458.61;

(i) Section 458.64(a);

(j) Section 458.66(b);

(k) Section 458.66(c) in three places;

(l) Section 458.67; and

(m) Section 458.79.

Signed in Washington, DC, March 23, 1994.

Martin Manley,

Assistant Secretary for the American Workplace.

[FR Doc. 94–7532 Filed 3–30–94; 8:45 am]

BILLING CODE 4510–86–P

Pension Benefit Guaranty Corporation

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal

CFR Correction

In Title 29 of the Code of Federal Regulations, parts 1927 to end, revised as of July 1, 1993, the text for § 2676.13(b)(1) was inadvertently omitted.

On page 933, in the first column, paragraph (b)(1) should read as follows:

§ 2676.13 [Corrected]

* * * * *

(b) * * *

(1) If the payment is not contingent on the survival of any person:

$$v^{0:n} = \left(\frac{1}{1+i_{k+1}}\right)^{j} \cdot \prod_{t=1}^{k} \frac{1}{1+i_t},$$

where $n = k + j$, k is an integer, $0 \leq j < 1$, $v^{0:0} = 1$, and i_k is the interest rate determined under § 2676.15 applicable to the year ending on the kth anniversary of the valuation date.

* * * * *

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA5–1–6019; FRL–4851–1]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Control of VOC Emissions RACT Fix-Ups

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision establishes and requires the implementation of revised SIP regulations to control volatile organic compounds (VOCs). The intended effect of this action is to approve these revisions to the VOC regulations. This action is being taken in accordance with the provisions of the Clean Air Act.

EFFECTIVE DATE: This final rule will become effective on May 2, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Air Docket, 6102, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23240.

FOR FURTHER INFORMATION CONTACT: Cristina M. Schulingkamp, (215) 597–0545.

SUPPLEMENTARY INFORMATION: On June 25, 1993, (58 FR 34392), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of reasonably available control technology (RACT) revisions to the SIP regulations to control VOCs. The SIP revision was submitted by the Commonwealth of Virginia on May 10, 1991.

Specific requirements of the revised VOC emissions regulations and the rationale for EPA's proposed action are explained in the notice of proposed rulemaking (NPR) and will not be restated here. One public comment was received on the NPR concerning the Capture Efficiency Test Method (CE) portion of the SIP revision. The Flexible Packaging Association commented that it believes the use of temporary total enclosures (TTE) has not been proven and is requesting an extension of the original six month moratorium on the mandatory use of TTEs, which expired on July 1, 1993. The Flexible Packaging Association agreed to run simultaneous testing using a TTE method as well as a non-enclosed method. This testing took place on August 9–20, 1993 at Clemson University.

EPA's moratorium on the implementation of TTEs was extended to January 1, 1994. Therefore, an extension was granted on the implementation of TTE. On January 1, 1994, the mandatory use of TTEs became effective. This CE test method is required until and unless EPA approves the use of an alternate CE test method.

Final Action

EPA is approving the SIP revision submitted by the Commonwealth of Virginia on May 10, 1991, which corrects the Commonwealth's VOC RACT regulations.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action approving revisions to correct Virginia's SIP VOC regulations has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years.

EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 31, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action pertaining to the Commonwealth of Virginia's VOC RACT (fixups) regulations may not be challenged later

in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: January 6, 1994.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Commonwealth of Virginia

2. Section 52.2420 is amended by adding paragraph (c)(99) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(99) Revisions to the Commonwealth of Virginia Regulations Volatile organic compound (VOC) RACT Fix-up regulations submitted on May 10, 1991 by the Department of Environmental Quality formerly the Virginia Department of Air Pollution Control: Effective date July 1, 1991.

(i) Incorporation by reference.

(A) Letter of May 10, 1991, from the Department of Environmental Quality transmitting VOC RACT Fix-up regulations.

(B) The following Commonwealth of Virginia regulations effective July 1, 1991:

(*1*) Part I; section 120–01–02 (revised definition of "actual emissions rate", "department", "emissions unit", "volatile organic compound")

(*2*) Part II sections:

120–02–08 A., B.
120–02–34 C., J.

(*3*) Part IV sections:

120–04–01 B., C.
120–04–02 C., D., F., H.
120–04–03 A.
120–04–04 F.
120–04–05 E., F., G.

Rule 4–4 sections:

120–04–0402 (definition of "combustion unit", "manufacturing operation", "reasonably available control technology")
120–04–0407 A., B., C.
sections 120–04–0407 through 120–04–0408 have been renumbered to 120–04–0408 through 120–04–0409; sections 120–04–0411 through 120–04–0416 have been renumbered to 120–04–0412 through 120–04–0417, section 120–04–0417 has been renumbered to 120–04–0418.

Rule 4–5 sections:

120–05–0501 B.
120–05–0503 A.1., B.1., C.1., C.2., D.1.
120–05–0504 A.2., B.4., B.5., C.4., D.1.e.

Rule 4–6 sections:

120–04–0601 B.
120–04–0603 A.1., B.1.,C.1., D.1.
120–04–0604 A.2., A.3., B.3., B.4.

Rule 4–11 sections:

120–04–1102 (revised definition of "condensate crude oil")
120–04–1106 A.1., B.1., C.1., C.2., D.
120–04–1107 B.3.

Rule 4–24 sections:

120–04–2401 A., B., C (deleted)
120–04–2403 A.1., B.1., C.1.
120–04–2404 A.1.a.3., B.1.c.5., C.1.e.5.

Rule 4–25 sections:

120–04–2501 A., B., C.
120–04–2503 A.1., A.3., B.1., B.3., B.4., C.1., C.3.
120–04–2504 A.2., B.1.b., C.1.b.

Rule 4–26 sections:

120–04–2601 C. (deleted)
D. (replaces previous C.)
120–04–2602 (new definition for "coating application system", and "oven")
120–04–2603 A. (introduction revised), A.1., B. (introduction revised), B.1., D.
120–04–2604 A.6., A.7., B.5., B.6.
120–04–2609 B., C.

Rule 4–27 sections:

120–04–2701 A., B., C. (deleted), D. (renumbered C.)
120–04–2702 C. (added definitions for "coating application system"; deleted definition for "coating line"; modified definition for "oven")
120–04–2703 A., C.
120–04–2704 (introduction revised), C., D.
120–04–2709 B., C.

Rule 4–28 sections:

120–04–2801 A., B., C. (deleted), D. (renumbered C.)
120–04–2802 C. (added definition for "anti-chip coating", "clear coating", "coating application system", "electrocoat primer", "extreme environmental conditions", "extreme performance coatings", "guidecoat", "topcoat", modified definitions for: "automobile", "light-duty truck" and deleted definition for "coating line"
120–04–2803 A.1., B. (added in its entirety), C., D., E., F., and G. (formerly B., C., D., E., F., now revised/renumbered).
120–04–2804 A., A.5., A.6., B. (added), C., D., E., (formerly B., C., D., have been revised/renumbered).
120–04–2809 B., C.

Rule 4–29 sections:

120–04–2901 A., B., C. (deleted), D. (renumbered/revised to C.)
120–04–2902 C., (deleted definition of "coating line", addition of definition for "coating application system", definition modified "oven")
120–04–2903 A.1., B.1., C.1., D.1., E.
120–04–2904 A. (introduction revised), A.5., A.6., B. (introduction revised). B.5., B.6., C. (introduction revised), C.4., D.
120–04–2909 B., C.

Rule 4–30 sections:

120–04–3001 A., B., C. (revised) and D. (deleted), C.2.,
120–04–3002 C. (deleted definition of "coating line", added definition of "coating application system", modified definition of "oven")
120–04–3003 A., C.
120–04–3004 (introduction revised), D., E.
120–04–3009 B., C.

Rule 4–31 sections:

120–04–3101 A., B., C. (deleted), D. (revised/renumbered C.)
120–04–3102 C. (deleted definition of "coating line"; added definition of "coating application system"; modified definition of "oven", and "fabric coating").
120–04–3103 A., D., E. (added)
120–04–3104 (introduction revised), F.
120–04–3109 B., C. (added)

Rule 4–32 sections:

120–04–3201 A., B., C. (deleted), D. (revised/renumbered C.)
120–04–3202 C. (deleted definitions for "coating line"; added definition of "coating application system"; modified definition of "oven".)
120–04–3203 A., C.
120–04–3204 (introduction revised), D., E.
120–04–3209 B., C. (added)

Rule 4–33 sections:

120–04–3301 A., B., C. (deleted), D. (renumbered/revised C.)
120–04–3302 C. (deleted definitions of "coating line"; added definition of "coating application system"; modified definition of "oven".)
120–04–3303 A., C. (added)
120–04–3304 (introduction revised), F., G.
120–04–3309 B., C. (added)

Rule 4–34 sections:

120–04–3401 B., C., D.1.b., D.4.
120–04–3402 (modified definitions of "coating application system", "clear coating", extreme performance coatings", and "oven"), G.
120–04–3403 D. (added)
120–04–3404 (introduction revised) F., G.
120–04–3409 B., C. (added)

Rule 4–35 sections:

120–04–3501 A., B., C. (deleted), D. (revised/renumbered as C.)
120–04–3502 (modified definitions of "coating application system" and "oven".)
120–04–3503 D. (added)
120–04–3504 (introduction revised), F., G.
120–04–3509 B., C.

Rule 4–36 sections:

120–04–3601 B., C., D.1.b., D.2. (deleted), D.3. (revised/renumbered D.2.)
120–04–3602 C. (added definitions for "high-solids ink", "low-solvent ink", "printing process", modified definition of "publication rotogravure printing" and "waterborne inks.")
120–04–3603 (the following were deleted: A., B., C.), A. (new/revised), B. (formerly D., modified), C. (formerly E. was modified)
120–04–3604 deleted
120–04–3609 B.

Rule 4–37 sections:

120–04–3701 A., B.
120–04–3702 (modified definitions of "crude oil" and "custody transfer".)

120–04–3703 A.1., A.3., A.4. (added), B.1., D.3., E.1., E.3.a. through E.3.d. was revised to E.3.a. through E.3.b.; revisions were made to the following: F.1., F.3., F.8., F.10., F.11., F.16. (deleted)
120–04–3704 A.1.b., B.1.b., C.1.d., D.1.c., E.2.c.

Rule 4–38 section:

120–04–3801 B.

Rule 4–39 section:

120–04–3901 B.

(*4*) Part V sections:

120–05–01 the following were added: C. and D.
120–05–02 the following were revised: C., D., F.; G. (deleted)
120–05–03 A.
120–05–04 A. and F. were revised.
120–05–05 the following were added: E. and F. H. (formerly F. renumbered)

(*5*) Part VII sections:

120–07–01
120–07–02 C. (modified definition of "air pollution episode")
120–07–04 B.1., B.1.b., B.2.a., B.3.a., B.4.a., B.5.a.

(*6*) Appendix K
(*7*) Appendix N
(*8*) Appendix P
(*9*) Appendix R I., II.B., II.D., II.E., II.F., II.G., II.H., II.I., II.J., II.K., II.L., II.M., II.N., II.O., II.P., III.V. (deleted), VI., VIII.
(*10*) Appendix S (revised and renamed in its entirety to include other appendices)
(*11*) Appendix T (deleted in its entirety and revised to be included in new appendix S.)

(ii) Additional material.

(A) Remainder of May 10, 1991 Commonwealth's submittal.

[FR Doc. 94–7615 Filed 3–30–94; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–34

[FPMR Amendment E–275]

RIN 3090–AF23

Emergency Supply Support

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation removes the portion of the Federal Property Management Regulations (FPMR) that deals with emergency supply support. The text is being removed because it is no longer needed. This change to the FPMR is in response to the National Performance Review and is part of a GSA effort to eliminate unnecessary regulations.

EFFECTIVE DATE: March 31, 1994.

FOR FURTHER INFORMATION CONTACT: William M. Wilson, Office of Strategic Planning and Marketing (703–305–7992).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant rule for the purposes of Executive Order 12866.

Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 101–34

Government property management.

For the reasons set forth in the preamble and under the authority of 40 U.S.C. 486(c), 41 CFR chapter 101 is amended as follows:

PART 101–34—[REMOVED AND RESERVED]

2. Part 101–34 is removed and reserved.

Dated: March 22, 1994.

Julia M. Stasch,

Acting Administrator of General Services.

[FR Doc. 94–7676 Filed 3–30–94; 8:45 am]

BILLING CODE 6820–24–M

41 CFR Chapter 301

[FTR Amendment 36]

RIN 3090–AF36

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to correct the designated in-season and off-season time periods associated with the maximum per diem rate established for Federal employee travel to Cocoa Beach (Brevard County), Florida. This rule also revises the designated in-season and off-season time periods for Federal employee travel to Colorado Springs (El Paso County), Colorado, and Williamsburg (denoted as an independent city), Virginia. FTR Amendment 34 (58 FR 67950, Dec. 22, 1993) incorrectly reversed the designated in-season and off-season time periods for Cocoa Beach. Also, an analysis of additional data reveals that the designated in-season and off-season time periods for Colorado Springs and Williamsburg require adjustments to provide adequate per diem reimbursement for Federal employee travel to these areas. This rule does not change the per diem rate levels for any of these locations.

DATES: *Effective dates:* The provisions of this final rule relating to Cocoa Beach, FL are effective January 1, 1994. The provisions of this final rule relating to Colorado Springs, CO and Williamsburg, VA are effective March 31, 1994.

Applicability dates: The provisions of this final rule relating to Cocoa Beach, FL apply for travel performed on or after January 1, 1994. The provisions of this final rule relating to Colorado Springs, CO and Williamsburg, VA apply for travel performed on or after March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Karen Kinsella, General Services Administration, Transportation Management Division (FBX), Washington, DC 20406, telephone 703–305–5745.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 dated September 30, 1993.

For the reasons set out in the preamble, under 5 U.S.C. 5701–5709, E.O. 11609, July 22, 1971 (36 FR 13747), title 41, chapter 301 of the Code of Federal Regulations is amended as set forth below.

CHAPTER 301—TRAVEL ALLOWANCES

1. Appendix A to chapter 301 is amended by removing under Colorado Springs (El Paso County), Colorado the entries "(May 1–August 31)" and "(September 1–April 30)" and adding in their place "(April 1–October 31)" and "(November 1–March 31)", respectively; by removing under Cocoa Beach (Brevard County), Florida the entries "(May 1–December 31)" and "(January 1–April 30)" and adding in their place "(January 1–April 30)" and "(May 1–December 31)", respectively; and by removing under Williamsburg (denoted as an independent city), Virginia the entries "(June 1–September 30)" and "(October 1–May 31)" and adding in their place "(April 1–October 31)" and "(November 1–March 31)", respectively, to read as follows:

Appendix A to Chapter 301—Prescribed Maximum Per Diem Rates for CONUS

* * * * *

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate[4] (c)
Key city[1]	County and/or other defined location[2][3]					
* * *	* * *		*		*	
Colorado Springs	El Paso					
April 1–October 31)		51		26		77
(November 1–March 31)		43		26		69
* * *	* * *		*		*	
Cocoa Beach	Brevard					
(January 1–April 30)		73		30		103
(May 1–December 31)		65		30		95
* * *	* * *		*		*	
Williamsburg*						
(April 1–October 31)		70		34		104
(November 1–March 31)		49		34		83

*Denotes independent cities.

[1] Unless otherwise specified, the per diem locality is defined as "all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries."

[2] Per diem localities with county definition shall include "all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties."

[3] Military installations or Government-related facilities (whether or not specifically named) that are located partially within the city or county boundary shall include "all locations that are geographically part of the military installation or Government-related facility, even though part(s) of such activities may be located outside the defined per diem locality."

[4] Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be surveyed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Federal Supply Service, Attn: Transportation Management Division (FBX), Washington, DC 20406. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus of subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the locations. Agencies should submit their requests to GSA no later than May 1 in order for a city to be included in the annual survey.

Dated: March 28, 1994.

Roger W. Johnson,

Administrator of General Services.

[FR Doc. 94–7726 Filed 3–30–94; 8:45 am]

BILLING CODE 6820–24–M

ACTION

45 CFR Parts 1207 and 1208

Senior Companion/Foster Grandparent Income Eligibility

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: This rule makes final the provisions of a proposed rule published in the **Federal Register** on September 2, 1993 (58 FR 46602) amending income eligibility regulations governing participation in the Senior Companion Program (SCP) and the Foster Grandparent Program (FGP). This amendment (1) decreases the current inequities in determining income eligibility by being more responsive to the special economic conditions affecting the elderly and (2) emphasizes the Programs' focus on recruiting low-income individuals. The effect of this amendment will be to meet more fully the FGP/SCP goals of targeting low-income seniors and of taking into account circumstances appropriate to local situations.

DATES: *Effective date:* May 2, 1994.

Implementation date: Provisions in §§ 1207.3–5(a)(3) and 1208.3–5(a)(3) will be implemented upon publication of the 1994 FGP/SCP notice of income eligibility in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Thomas E. Endres at 202–606–5000.

SUPPLEMENTARY INFORMATION:

I. Background

Authorized under sections 211 and 213 of the Domestic Volunteer Service Act of 1973, Public Law 93–113, as amended, the Senior Companion Program and the Foster Grandparent Program provide volunteer opportunities to low-income people age 60 and over. Administratively, these programs are similar. Programatically, however, they differ as SCP volunteers serve adults, primarily the frail elderly, while FGP volunteers serve children and youth with special and exceptional needs.

Since these programs were authorized—FGP in 1965; SCP in 1973—there have been few changes to the income eligibility requirements. In 1968, the Office of Economic Opportunity (OEO), which then administered FGP, required that FGP use the OEO poverty income guidelines in determining applicant eligibility. At that time, income eligibility was based on 100 percent of the poverty level.

In 1974, the amount of Supplemental Security Income (SSI) provided by states was used as a new factor in determining income eligibility for people who lived in high cost-of-living areas so that they might participate in the Programs.

In 1976, ACTION published an ACTION Order which added a definition section to policy, including definitions for "family," "income" and "poor or low-income person."

In 1978, Congress amended the Act to increase FGP/SCP income eligibility levels to 125 percent of poverty.

In 1983, regulations revising income criteria were published in the **Federal Register.** They required that the income of all household members, rather than family members, be counted when determining annual income. They also limited to *one* the number of household members who could receive a stipend.

This rule modifies FGP/SCP income eligibility criteria. It addresses a number of problems: Cost-of-living differences

within and among States; limitations inherent in the current definition of "household"; absence of special consideration for individuals at or below 100 percent of poverty; and failure to allow certain medical expenses in the determination of income eligibility.

II. Participation in the Rulemaking

In September 1991, the Director of ACTION appointed an Older American Volunteer Program Income Eligibility Task Force. Membership included representatives from ACTION headquarters and field offices as well as Senior Companion and Foster Grandparent project directors. Their deliberations resulted in the development of this rule.

III. Comments

A notice of proposed rulemaking was published in the **Federal Register** on September 2, 1993, with an October 18, 1993, deadline for submission of comments. The Agency received a total of five letters—four from project directors and one from an executive director of a program grantee. One project director's comments enthusiastically endorsed the proposed rule. The others had concerns relating to the definitions of "annual income" and "allowable medical expenses." Some commenters also expressed concerns about the cost-of-living adjustments. Those suggestions and the Agency's response to them are discussed below.

Sections 1207.1–2 and 1208.1–2 Definitions. Allowable medical expenses; annual income

Allowable Medical Expenses

Two project directors commented that the 15 percent cap on medical expenses should not be absolute. One suggested that project directors be given some discretion to take into consideration "extraordinary medical expenses" in the applicant's family. Another stated that "a 15 percent cap on allowable medical expenses discriminates against prospective FGP volunteers unfortunate enough to have medical costs exceeding this 15 percent cap."

The final rule will, for the first time in the Programs' histories, allow medical expenses to be a factor in the computation of income eligibility by allowing up to 15 percent of medical expenses to be excluded under certain circumstances. This limit provides some flexibility and consideration to medical costs while maintaining the Programs' low-income focus and legislative mandate.

Annual Income

One commenter questioned a provision in the definition of "annual income" which states that "Project directors may count the value of shelter, food, and clothing, if provided at no cost by persons related to the applicant, enrollee, or spouse."

The commenter was concerned about two potential "inequities" which might result: (1) That project directors would have discretion to decide whether or not to "count" this income source and (2) that different project directors would use different approaches in determining this in-kind support.

These costs vary and depend upon each applicant's personal circumstances. Consequently, they require individual consideration. The Agency believes project directors can exercise discretion in deciding appropriate inclusion of in-kind costs for housing, food, and clothing. Further, the Agency believes that any attempt to issue specific guidance in this area would be unnecessarily burdensome, and would undermine local project operation. The Agency also believes that FGP/SCP project directors can make reasonable determinations and exercise prudent judgment to implement this provision.

Sections 1207.3–5(a)(3) Senior companions and 1208.3–5(a)(3) Foster grandparents

One commenter recommended inclusion of an adjustment for excessive housing costs, in addition to the new medical adjustments. Another commenter suggested that the income eligibility level for FGP/SCP volunteers be in keeping with Housing and Urban Development (HUD) low-income guidelines. These suggestions were not adopted because the Agency believes that the system proposed considers both housing costs and incomes within particular areas. Any further income exclusions would significantly dilute and diminish the Programs' focus on the low-income elderly.

Sections 1207.3–5 Senior companions (a) (3) and (4) and 1208.3–5 Foster grandparents (a) (3) and (4)

One commenter stated that it was necessary for the Agency to assure that provisions in paragraph (3) pertaining to the application of the VISTA subsistence rate allowance be referenced in paragraph (4) thus assuring that enrollees would not be jeopardized in the computation of the allowed 20 percent.

The Agency does not see this as a problem. The final rule restates existing language governing eligibility of enrollees. Paragraph (4) states that "Once enrolled, a Senior Companion/Foster Grandparent shall remain eligible to serve and to receive a stipend as long as his or her annual income, after deducting allowable medical expenses, does not exceed the prescribed ACTION income eligibility guideline by 20 percent." The new provision, allowing the prescribed ACTION income eligibility guideline to vary by an additional 10 percent in high cost areas, merely sets a new base and does not affect the provisions in paragraph (4).

IV. Impact of the Rule

The adjustment to the annual income guidelines embodied in this final rule will:

—Emphasize the Programs' focus on low-income seniors.
—End the situation where a few States, by applying an SSI supplementation, could potentially have a volunteer pool that is not adequately comprised of low-income seniors.
—Provide a more equitable system that, to the extent possible, accounts for real differences in cost of living within and among states, as required.
—Provide a system that is simple and easy to administer. FGP/SCP would obtain the most current VISTA subsistence rates which identify high cost areas and use them to determine income eligibility levels in those areas.

It will also provide opportunities to groups of low-income seniors who may have been previously excluded from the Programs including:

—Low-income seniors who live with, but receive no support from, relatives.
—Low-income seniors who live with roommates to save money.
—Seniors who live on low-incomes after paying out-of-pocket medical expenses.

List of Subjects in 45 CFR Parts 1207 and 1208

Aged, Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers

Final Rule—Senior Companion Program

For the reasons set out in the preamble, 45 CFR part 1207 is amended as set forth below.

PART 1207—SENIOR COMPANION PROGRAM

1. The authority citation for part 1207 continues to read as follows:

Authority: Sec. 211(d); (e); 213, 221, 222, 223 and 402(14) of Pub. L. 93–113, 87 Stat.

402, 403, 404, and 414, sec. 213 of Pub. L. 97–35, 97 Stat. 487, 42 U.S.C. 5011 (b), (d) and (e); 5021, 5022, 5023, 5042(14), and 5013.

2. Section 1207.1–2 is amended by removing the definition of *Household* and by adding the following definitions in alphabetical order:

§ 1207.1–2 Definitions.

* * * * *

Allowable medical expenses are annual out-of-pocket expenses for health insurance premiums, health care services, and medications provided to the applicant, enrollee, or spouse and were not and will not be paid for by Medicare, Medicaid, other insurance, or by any other third party and, shall not exceed 15 percent of the applicable ACTION income guideline.

Annual income is counted for the past 12 months and includes: The applicant or enrollee's income and, the applicant or enrollee's spouse's income, if the spouse lives in the same residence. Project directors may count the value of shelter, food, and clothing, if provided at no cost by persons related to the applicant, enrollee, or spouse.

* * * * *

3. Section 1207.3–1 is amended by adding a paragraph (v) reading as follows:

§ 1207.3–1 Sponsor responsibility.

* * * * *

(v) Assure that individuals whose income is at or below 100 percent of the poverty level receive special consideration for participation in the Program.

4. Section 1207.3–5 is amended by revising paragraphs (a)(3), (a)(4), and (c)(5) to read as follows:

§ 1207.3–5 Senior Companions.

(a) * * *

(3) To be enrolled, a Senior Companion cannot have an annual income from all sources, after deducting allowable medical expenses, which exceeds ACTION's income eligibility guidelines for the state in which he or she resides. The ACTION income eligibility guideline for each state is 125 percent of the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Pub. L. 92–424 (42 U.S.C. 2971d), except (i) in those primary metropolitan statistical areas (PMSA), metropolitan statistical areas (MSA) and nonmetropolitan counties identified by the Director as being higher in cost of living, as determined by application of the VISTA subsistence rates, in which case the guideline shall be 10 percent above that amount; and (ii) in Alaska, where the guideline may be waived by the ACTION State Director for individual locations if a project demonstrates that low-income individuals, in that location, are participating in the project. No Senior Companion currently participating in the Program, shall become ineligible as a result of this change in guidelines.

(4) Once enrolled, a Senior Companion shall remain eligible to serve and to receive a stipend as long as his or her annual income, after deducting allowable medical expenses, does not exceed the prescribed ACTION income eligibility guideline by 20 percent. Income eligibility shall be reviewed annually by the sponsor.

* * * * *

(c) * * *

(5) *Stipends.* A Senior Companion will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When both the eligible husband and wife serve as a Foster Grandparent or Senior Companion, only one spouse shall be entitled to receive a stipend. Both spouses in such cases shall be entitled to other direct benefits. Only in cases where enrolled Foster Grandparents or Senior Companions marry, may each continue to receive a stipend.

* * * * *

Final Rule—Foster Grandparent Program

For the reasons set forth in the preamble, 45 CFR part 1208 is amended as follows.

PART 1208—FOSTER GRANDPARENT PROGRAM

5. The authority citation for part 1208 continues to read as follows:

Authority: Secs. 211(a), 221, 222, 223, and 402(14) of Pub. L. 93–113, 87 Stat. 402, 403, 404 and 414, 42 U.S.C. 5011 (a) and (f), 5021, 5022, 5023 and 5042(14).

6. Section 1208.1–2 is amended by removing the definition of *Household* and by adding the following definitions in alphabetical order:

§ 1208.1–2 Definitions.

* * * * *

Allowable medical expenses are annual out-of-pocket expenses for health insurance premiums, health care services, and medications provided to the applicant, enrollee, or spouse and were not and will not be paid for by Medicare, Medicaid, other insurance, or other third party and, shall not exceed 15 percent of the applicable ACTION income guideline.

Annual Income is counted for the past 12 months and includes: The applicant or enrollee's income and, the applicant or enrollee's spouse's income, if the spouse lives in the same residence. Project directors may count the value of shelter, food, and clothing, if provided at no cost by persons related to the applicant, enrollee, or spouse.

* * * * *

7. Section 1208.3–1 is amended by adding a paragraph (v) reading as follows:

§ 1208.3–1 Sponsor responsibility.

* * * * *

(v) Assure that individuals whose income is at or below 100 percent of the poverty level receive special consideration for participation in the Program.

8. Section 1208.3–5 is amended by revising paragraphs (a)(3), (a)(4), and (c)(5) to read as follows:

§ 1208.3–5 Foster grandparents.

(a) * * *

(3) To be enrolled, a Foster Grandparent cannot have an annual income from all sources, after deducting allowable medical expenses, which exceeds ACTION's income eligibility guidelines for the state in which he or she resides. The ACTION income eligibility guidelines for each state is 125 percent of the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Pub. L. 92–424 (42 U.S.C. 2971d), except: (i) In those primary metropolitan statistical areas (PMSA), metropolitan statistical areas (MSA) and nonmetropolitan counties identified by the Director as being higher in cost of living, as determined by application of the VISTA subsistence rates, in which case the guideline shall be 10 percent above that amount; and (ii) in Alaska, where the guideline may be waived by the ACTION State Director for individual locations if a project demonstrates that low-income individuals in that location are participating in the project. No Foster Grandparent currently participating in the Program, shall become ineligible as a result of this change in guidelines.

(4) Once enrolled, a Foster Grandparent shall remain eligible to serve and to receive a stipend as long as his or her annual income, after deducting allowable medical expenses, does not exceed the prescribed ACTION income eligibility guideline by 20 percent. Income eligibility shall be reviewed annually by the sponsor.

* * * * *

(c) * * *

(5) *Stipends.* A Foster Grandparent will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When both the eligible husband and wife serve as a Foster Grandparent or Senior Companion, only one spouse shall be entitled to receive a stipend. Both spouses in such cases shall be entitled to other direct benefits. Only in cases where enrolled Foster Grandparents or Senior Companions marry, may each continue to receive a stipend.

* * * * *

Dated: March 4, 1994.

James Scheibel,

Vice President, Corporation for National and Community Service, Director, ACTION.

[FR Doc. 94–7690 Filed 3–30–94; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 298

[Docket No. R–151]

RIN 2133–AB09

Obligation Guarantees

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Interim final rule.

SUMMARY: The Maritime Administration ("MARAD") is issuing this interim final rule which amends its regulations implementing Title XI of the Merchant Marine Act, 1936, as amended ("Act"), in order to carry out the provisions of Subtitle D of Title XIII, Public Law 103–160, enacted on November 30, 1993. Subtitle D of Title XIII authorizes the Secretary of Transportation ("Secretary") to guarantee obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels and for shipyard modernization and improvement. While Title XI of the Act is applicable to financing assistance for all types of vessel construction, that part of the Title XI program related to fishing vessels is administered by the National Oceanic and Atmospheric Administration of the Department of Commerce, (NOAA), pursuant to NOAA regulations, which appear at 50 CFR part 253. Subtitle D of Title XIII directs the Secretary to prescribe interim 2 regulations within 90 days after the date of enactment and a final rule within 270 days after enactment.

DATES: This interim final rule is effective March 31, 1994. Comments are requested and must be received on or before May 31, 1994.

ADDRESSES: Send an original to the Secretary, Maritime Administration, room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a stamped self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mitchell D. Lax, Director, Office of Ship Financing. Telephone 202–366–5744.

SUPPLEMENTARY INFORMATION: Title XI of the Act, 46 App. U.S.C. 1271 et seq., authorizes the Secretary to provide guarantees of debt ("obligation guarantees") issued for the purpose of financing or refinancing the construction, reconstruction or reconditioning of vessels built in United States shipyards. Applications for obligation guarantees are made to MARAD acting under authority delegated by the Secretary to the Maritime Administrator ("Administrator"). Prior to execution of a guarantee, MARAD must, among other things, make determinations of economic soundness of the project, financial and operating capability of the applicant. Prior to amendment by Public Law 103–160, guarantees could be issued only for debt issued by United States citizens.

The Title XI program enables owners of eligible vessels to obtain long-term financing on terms and conditions and at interest rates comparable to those available to large and financially strong corporations. Funds secured by the obligation guarantees that are used for financing a vessel are borrowed in the private sector.

Public Law 103–160, cited as the "National Defense Authorization Act for Fiscal Year 1994" ("Authorization Act"), was enacted on November 30, 1993. Subtitle D of Title XIII of the Authorization Act, cited as the "National Shipbuilding and Shipyard Conversion Act of 1993" ("Shipbuilding Act"), establishes "a National Shipbuilding Initiative (NSI) program to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient internationally competitive industry." It adds new sections 1111 and 1112 to the Act.

New section 1111 provides that the Secretary may guarantee obligations for eligible export vessels in accordance with the terms and conditions of Title XI applicable to vessels documented under United States law. Alternatively, the Secretary may guarantee obligations in accordance with such other terms as the Secretary determines to be more favorable than the terms otherwise provided in Title XI and to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards.

Section 1111 also establishes an Interagency Council to "obtain information on shipbuilding loan guarantees, on direct and indirect subsidies, and on other favorable treatment of shipyards provided by foreign governments to shipyards in competition with United States shipyards." It specifies the purpose for the Interagency Council, how the Interagency Council shall operate and its composition.

New section 1112 provides that the Secretary may guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology and modern shipbuilding technology of a general shipyard facility located in the United States. The new section defines the following terms: (1) "advanced shipbuilding technology," (2) "modern shipbuilding technology," and (3) "general shipyard facility."

The Act presently provides a limitation of 75 percent or 87½ percent of the amount of actual cost which can be guaranteed, depending on the category of vessel financed. However, in 1985 MARAD formalized the policy begun in 1982 of issuing guarantees of no more than 75 percent of the actual cost of a project in reaction to the growing number of defaults in several industry segments. The formalization was in the form of amended regulations which now require a 25 percent equity contribution in every case. MARAD gave as its reasons for the amendment the need to strengthen new guarantees, the reduction of the cash flow required to service the Title XI debt, and the reduction of project breakeven revenue requirements. The Shipbuilding Act prohibits the Secretary from establishing by rule, regulation or procedure any percentage within any statutory limitation that is intended to be applied uniformly to all guarantees that are subject to the limitation.

Subtitle D of Title XIII also makes conforming amendments to Title XI of the Act to reflect the new authority of the Secretary to issue guarantees of debt obligations used to finance eligible export vessels and shipyard

modernization and improvement, and restricts guarantees for shipyard modernization and improvement to not more than 12½ percent of the funds available per year for loan guarantees, from funds transferred from the Secretary of Defense pursuant to section 108 of the National Defense Authorization Act for Fiscal Year 1994.

As noted, the provisions of the Shipbuilding Act that require changes in MARAD's regulations became effective on November 30, 1993. MARAD has concluded that it is imperative in the interest of all concerned to publish amendments to its Title XI regulations, as an interim final rule, effective on publication, to permit implementation of the new law without delay which could adversely impact the NSI program. This interim final rule is intended to minimize transitional uncertainty, while allowing subsequent fine-tuning of these regulations based on the opportunity for considered evaluation of comments from interested parties before adopting a final rule.

In addition to soliciting comments on the interim amendments to the Title XI regulations outlined in this interim final rule, we are hereby entertaining industry and other public comments on two additional areas. The first deals with the issuance by the Secretary of a letter of interest, in lieu of a letter commitment, upon receipt of a request for guarantees. A letter of interest will not be a financial offer but, rather, an indication of what terms will be considered by the Secretary if a complete application is filed and a letter commitment is to be issued at a later date. It has been suggested that the Secretary might want to consider this approach, in order to afford interested parties the opportunity to explore the possibility of obtaining a loan guarantee without incurring the substantial time and expense involved in filing a complete application. Upon receipt of a request for a commitment to execute guarantees for advanced or modern shipbuilding technology or eligible export vessels, the Secretary may perform a preliminary review of the request and after evaluating a portion of the proposed Title XI project on a technical, financial, and/or economic viability basis (i.e. economic-long term vessel charter commitment or technical-shipyard ability to construct a vessel), the Secretary may issue, within 10 days of receipt of the Title XI request, a letter of interest. The requestor thereby could be given a preliminary indication as to whether the number and type of vessels contemplated, or the type of technology, would be acceptable if certain terms and conditions specified by the Secretary are satisfied. We invite comments on the concept of a Letter of Interest, particularly in regard to its scope, limitations, and timing. If the requestor can satisfy this set of conditions, processing of the application for guarantees would move very quickly.

The second issue on which we are soliciting public comments is the establishment of a deadline for processing a complete Title XI application. The Title XI regulations presently give no fixed deadline for the Secretary to act on a Title XI application once all information is considered complete. Hence, we are soliciting comments on the establishment of a 9 requirement that the Secretary will act on a Title XI application within a specified amount of time, such as 60 days, of when the application is considered complete by the Secretary.

A separate Notice of Proposed Rulemaking will be published at a later date which will propose modifications to the Title XI regulations to improve administration of the entire Title XI program. Such modifications are not addressed in this interim rule because they are not required to implement the amendments to Title XI resulting from enactment of the Shipbuilding Act.

Whenever reference is made in these regulations to forms prescribed by MARAD for applications or other filing requirements, the format of such forms in effect prior to the effective date of these regulations may be used pending revision and issuance of new forms to be approved by the Office of Management and Budget. To the extent necessary to reflect statutory requirements, any form submitted may be modified or supplemented to facilitate processing, but, until new forms have been approved, these regulations do not require more extensive paperwork or reporting requirements than exist 10 under the present Title XI regulations. Indeed, with the exemptions provided herein, those requirements should be less burdensome in the aggregate. Any additional burden imposed at this time in particular circumstances is derived from statutory requirements and not from exercise of regulatory discretion.

Discussion of Rulemaking Text

To implement provisions in Subtitle D of Title XIII of the Shipbuilding Act, MARAD is amending its Obligation Guarantees regulations at 46 CFR part 298, summarized as follows:

Subpart A—Introduction

Section 298.1 Purpose.

Section 298.1, Purpose, is self-explanatory.

Section 298.2 Definitions.

Section 298.2, Definitions, is intended to provide convenient 11 reference to the meaning of significant terminology used in Part 298, based principally on statutory derivation, reflecting the letter redesignations of the paragraphs, whenever applicable.

Paragraph (a), "Act," remains unchanged.

Paragraph (b), "Actual Cost," is derived from 46 U.S.C. 1271 (f), modified expressly to reflect the addition of advanced or modern shipbuilding technology as being assets to which the term also applies.

Paragraph (c), "Advanced Shipbuilding Technology," is a new paragraph added to § 298.2 and recites the statutory definition in the new paragraph (d)(1) to section 1112 of the Act.

Paragraph (d), "Affiliate or Affiliated," remains unchanged.

Paragraph (e), "Closing," is modified to recognize the fact the definition of a Preferred Mortgage shall not apply to advanced or modern shipbuilding technology where the Secretary shall obtain an enforceable first mortgage with such equipment.

Paragraph (f), "Depository," is amended to reflect the recognition that, with regard to eligible export vessels, flexibility should be permitted to allow as depositories banks or other financial institutions organized and doing business under the laws of a foreign country, which institutions are found to be acceptable to the Secretary and accept deposits for the Title XI program.

Paragraph (g), "Depreciated Actual Cost," is derived from 46 U.S.C. 1271 (g), modified expressly to reflect: (1) The addition of advanced or modern shipbuilding technology, (2) the addition of the words "or manufacturer" after "shipbuilder" wherever it occurs to reflect the manufacturing of advanced or modern shipbuilding technology, and (3) the recognition of an appropriate residual value for advanced or modern shipbuilding technology.

Paragraph (h), "Documentation," remains unchanged.

Paragraph (i), "Eligible Export Vessel," is a new provision added to § 298.2 and recites the statutory definition in the new paragraph (o) of section 1101 of the Act.

Paragraph (j), "Eligible Shipyard," adds a new definition and reflects the criteria outlined in section 1358 of the

Authorization Act in order for a shipyard to be eligible to receive Title XI guarantees.

Paragraph (k), "General Shipyard Facility," adds a new definition reciting the statutory definition in new paragraph (d)(3) to section 1112 of the Act.

Paragraph (l), "Guarantee," remains unchanged.

Paragraph (m), "Guarantee Fee," remains unchanged.

Paragraph (n), "Indenture Trustee," remains unchanged.

Paragraph (o), "Letter Commitment," remains unchanged.

Paragraph (p), "Maritime Administration," remains unchanged.

Paragraph (q), "Modern Shipbuilding Technology," is a new paragraph added to § 298.2 and recites the statutory definition in the new paragraph (d)(2) to section 1112 of the Act.

Paragraph (r), "Mortgage," is derived from 46 U.S.C. 1271 (a) and is modified to: (1) Include the definition of a Preferred Mortgage as defined in 46 U.S.C. 31322 with respect to an eligible export vessel to be documented under the laws of a country other than the United States, and (2) recognize the fact that the definition of a Preferred Mortgage under chapter 313 of Title 46, United States Code, shall not apply to advanced or modern shipbuilding technology where the Secretary shall obtain an enforceable first mortgage with such equipment.

Paragraph (s), "Obligation," remains unchanged.

Paragraph (t), "Obligee," remains unchanged.

Paragraph (u), "Obligor," remains unchanged.

Paragraph (v), "Paying Agent," remains unchanged.

Paragraph (w), "Person," remains unchanged.

Paragraph (x), "Preferred Mortgage," is modified expressly to reflect: (1) The addition of eligible export vessels, (2) with regard to eligible export vessels, that the mortgagee may be a person approved by the Secretary after disclosure of that person's identity during the application process, and (3) removing paragraph (4)(vi) the text of which, as amended, is now in paragraph (4)(iv).

Paragraph (y), "Secretary," remains unchanged.

Paragraph (z), "Secretary's Note," remains unchanged.

Paragraph (aa), "Security Agreement," remains unchanged.

Paragraph (bb), "Vessel," is modified expressly to reflect that, with the expansion of the Title XI program to include eligible export vessels, eligible export vessels cannot be documented under the laws of the United States nor owned by a United States citizen.

Section 298.3 Applications

Section 298.3, Applications, is self-explanatory. Paragraphs (a) through (d) remain unchanged. Paragraph (e) is amended to reflect the priority to be assigned to applications from shipyards that have engaged in the naval vessel construction as prescribed in section 1359 (a)(3) of the Shipbuilding Act and that have pilot projects for shipyard modernization and ship construction. In addition, language is added that cites the new subsection (g)(1) to section 1103 of the Act added by the Shipbuilding Act. The new statutory requirement prohibits the Secretary from issuing a commitment to guarantee obligations for an eligible export vessel unless, after considering three findings, the Secretary determines that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue Title XI for vessels documented under the laws of the United States to be operated in the domestic or foreign commerce of the United States.

Section 298.10 Citizenship

Section 298.10, Citizenship, paragraphs (a) through (d) remain unchanged. A new paragraph (e) is added to exempt eligible export vessels and eligible shipyards from complying with the United States citizenship requirements. Such modification conforms to the amendment of subsection (a)(1) of section 1104A of the Act resulting from enactment of the Shipbuilding Act, which deletes the United States citizenship requirement.

Section 298.11 Vessel Requirements

Section 298.11, Vessel requirements, paragraphs (a), (b), and (d) remain unchanged. Paragraph (c) is modified to permit a deviation from previous MARAD policy of limiting vessel certifications to the American Bureau of Shipping, with regard to eligible export vessels, allowing vessel classification by members of the International Association of Classification Societies (IACS) (classification societies to be ISO–9000 certified) with appropriate certificates required at delivery. In addition, conforming language is included which parallels the language amending section 1104A (b)(6) of the Act, requiring eligible export vessels to comply with all applicable laws, rules and regulations as to condition and operation, including, but not limited to, those administered by the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party.

Section 298.12 Applicant and Operator's Qualifications

Section 298.12, Applicant and operator's qualifications, paragraphs (a), (d), and (e) remain unchanged. Paragraphs (b)(1)(ii) and (c)(4) are amended to provide for the submission of identifying information on the country in which the applicant is incorporated and whether or not the applicant has been in default within the past five years with regard to an eligible export vessel application. Paragraph (f) is amended in two subdivisions. The first contains the current text and applies in the case of an applicant for a vessel financing guarantee. The second contains a new provision and deals with the case of an eligible shipyard which is an applicant for a financing guarantee for advanced or modern shipbuilding technology. In this instance, the applicant shall submit a detailed statement showing its ability to successfully construct/reconstruct vessel(s), including certain information on all management personnel concerned with the physical operation of the shipyard, including union affiliations and existing contracts necessary to the management and operation of the shipyard.

Section 298.13 Financial Requirements

Section 298.13, Financial requirements, is modified to reflect the financial requirements to be placed upon applicants in the new area of advanced or modern shipbuilding technology. A new paragraph (a)(2)(ii) is added to this section which parallels the applicable portions of paragraph (a)(2)(i), referring to advanced or modern shipbuilding technology, and the references in paragraph (a)(2)(iv) are renumbered accordingly. Paragraph (a)(3) of this section is amended by deleting references to the existing regulatory limitation for guarantees of up to 75 percent of the cost of a Title XI project, since the new statutory language in section 1104A(i) of the Act, prohibits the Secretary from uniformly imposing by rule, regulation, or procedure a lower financing percentage than that permitted by statute (75 percent or 87½ percent financing for the type of vessel in question or up to 87½ percent for advanced or modern shipbuilding technology).

In addition, modifications are made in paragraph (a)(3) to reflect the addition of advanced or modern shipbuilding

technology to be financed or refinanced under Title XI as provided by the new section 1112 of the Act. Paragraphs (b)(5), (b)(6), (c)(1), and (c)(2) are also amended to reflect the addition of advanced or modern shipbuilding technology to be financed or refinanced under Title XI as provided by the new section 1112 of the Act. New paragraphs (d)(3) and (e)(3) are added to this section to reflect the same financial requirements that shall be placed on an owner of a general shipyard facility as on a vessel owner as operator.

Section 298.14 Economic Soundness

In section 298.14, Economic soundness, modifications are made throughout the section to reflect the addition of advanced or modern shipbuilding technology to be financed or refinanced under Title XI as provided by the new section 1112 of the Act. In addition, Appendix B—Forms to be Used in Computing IRR is deleted as a general housekeeping matter. On August 6, 1992, a final rule became effective whereby paragraph (b)(4) of § 298.14 was removed in its entirety in order to shift the computation of the IRR to MARAD from Title XI applicants. Appendix B outlines the schedules that were previously required to be completed for the Title XI applicant to compute the IRR of its project. The fact that Appendix B was not deleted at that time was an oversight by MARAD.

Section 298.15 Investigation Fee

Section 298.15, Investigation Fee, remains unchanged.

Section 298.16 Substitution of Participants

Section 298.16, Substitution of participants, modifies paragraph (b) to reflect the addition of advanced or modern shipbuilding technology to be financed or refinanced under Title XI, as provided by the new section 1112 of the Act.

Section 298.17 Evaluation of Applications

Section 298.17, Evaluation of applications, adds a new sentence and two new paragraphs. A new sentence outlines what terms shall be considered by the Secretary in determining the amount of equity which must be provided by the applicant. Paragraph (e) reflects the priority that the Secretary shall give to applications from shipyards that have engaged in naval vessel construction as provided in section 1359(a)(1) of the Shipbuilding Act. New paragraph (f) permits the Secretary, in evaluating project applications for advanced or modern shipbuilding technology, to consider whether the application provides for guarantees which extend for a period less than or equal to the technological life of the asset.

Section 298.18 Financing Advanced or Modern Shipbuilding Technology

New section 1112(a) of the Act allows the Secretary to guarantee obligations for advanced or modern shipbuilding technology of a general shipyard facility located in the United States. New § 298.18 reflects this authority. Paragraph (a) sets forth the initial criteria the applicant must meet and paragraph (b) specifies the conditions that must be satisfied and paragraph (c) identifies factors the Secretary may consider when deciding among applications.

Section 298.19 Financing Export Vessels

New section 1111(a) of the Act allows the Secretary to guarantee obligations for eligible export vessels, and new § 298.19 reflects this authority. Paragraphs (a) and (c) set forth specific language in the statute regarding termination of the eligible export vessel Title XI program and the required Department of Defense approval. Paragraph (b) sets forth the determination to be made by the Secretary as to the creditworthiness of the country to which the vessel is to be exported.

Section 298.20 Term, Redemptions and Interest Rate

Paragraphs (a) and (b) of § 298.20, Term, redemptions and interest rate, are amended to reflect the addition of advanced or modern shipbuilding technology to be financed or refinanced under Title XI, as provided by the new section 1112 of the Act, and limits the maturity date for Title XI Obligations for advanced or modern shipbuilding technology to the technological life of the advanced or modern shipbuilding technology. Paragraph (c) is amended to reflect that with respect to guarantees for all transactions other than for U.S.-flag vessels owned by U.S. citizens, the Secretary will use his discretion to determine the interest rate with respect to each application.

Section 298.21 Limits

Section 298.21, Limits, presently establishes a limitation of 75 percent or 87½ percent of the actual cost of the vessels for guarantees, whichever is applicable under the provisions of section 1104(b)(2) of the Act, for the obligation guarantees to be issued. Amendments are as follows:

Paragraph (a) includes advanced shipbuilding technology or modern shipbuilding technology within the statutory financing limitation.

Paragraph (a)(2) includes advanced shipbuilding technology or modern shipbuilding technology within the statutory financing limitation.

Paragraph (b) includes advanced shipbuilding technology or modern shipbuilding technology as the basis for actual cost determinations.

Paragraph (c) adds two new provisions, paragraphs (c)(14) and (15) with respect to the actual cost determination for advanced or modern shipbuilding technology. Paragraph (c)(14) generally excludes from actual cost any amount payable to the manufacturer of advanced or modern shipbuilding technology for early delivery of equipment to the shipyard. Paragraph (c)(15) excludes from actual cost predelivery expenses which may not be properly capitalized as costs of the technology under Generally Accepted Accounting Principles.

Paragraph (d) includes advanced or modern shipbuilding technology as requiring substantiation of actual cost prior to payment from an escrow or construction fund and prior to final actual cost determination by the Secretary.

Paragraph (f) includes modern or advanced shipbuilding technology as an example of where the obligor may receive moneys in respect of construction and sets forth the ensuing requirements in such case.

Paragraph (g) includes, with respect to the 75 percent or 87½ percent limitation on the amount of guarantees, a reference to advanced or modern shipbuilding technology.

Section 298.22 Amortization of Obligations

Section 298.22, Amortization of Obligations, is amended to include amortization requirements for advanced or modern shipbuilding technology which are the same as those for vessels. A new paragraph (c) is added after redesignated paragraphs (a) and (b) to comport with new section 1111 (a)(2) of the Act and provides that amortization for an eligible export vessel may be in accordance with more favorable terms as the Secretary determines to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards.

Section 298.23 Refinancing

Section 298.23, Refinancing, is amended to provide that the Secretary may approve the issuance of guarantees secured by advanced or modern

shipbuilding technology for the refinancing of existing Title XI debt. The requirements for such refinancing are the same as presently provided for vessels.

Section 298.27 Lease Payments

Section 298.27, Lease Payments, is amended to provide that if obligation payments depend on the lease of advanced or modern shipbuilding technology, the lease is subject to the Secretary's approval.

Section 298.28 Advances

Section 298.28, Advances, amends paragraph (a)(2)(i), in connection with determining adequate security for an advance, to provide for the evaluation by the Secretary of existing and future market conditions for advanced or modern shipbuilding technology held as collateral.

A new paragraph (a)(2)(iv) provides for the evaluation by the Secretary of any other available collateral on the General Shipyard Facility equipment, land, and/or assets.

Section 298.31 Mortgage

In § 298.31, Mortgage, paragraph (a) is amended to include a provision for the production of evidence of the Secretary's security interest in advanced or modern shipbuilding technology. Because a mortgage may not be available, desirable, timely or enforceable, the Secretary may seek alternative forms of security. If a mortgage is required, it shall be executed in favor of the Secretary, filed with the proper state authorities, and delivered to the Secretary after being recorded.

Paragraph (a) also requires, with respect to foreign mortgages for eligible export vessels, that to ensure the validity and worldwide enforceability of such mortgages, the Secretary will require the obligor to obtain satisfactory legal opinions and foreign counsel. Such mortgages are required to be filed with the proper foreign authorities and delivered to the Secretary after being recorded.

Paragraph (c) includes provision for the placement of a mortgage on advanced or modern shipbuilding technology as security for the guarantee and for a requirement by the Secretary for additional collateral in the event such mortgage is not sufficient.

Section 298.32 Required Provisions in Documentation

Section 298.32, Required Provisions in Documentation, is amended to include in paragraph (a)(1) the furnishing of satisfactory insurance or performance bond by the manufacturer of advanced or modern shipbuilding technology.

Paragraph (a)(2) is amended to require that a representative of the Secretary be allowed access to advanced or modern shipbuilding technology or related work projects for the purpose of inspection and observation that such technology is being constructed, reconstructed or reconditioned in accordance with plans and specifications approved by the Secretary.

Paragraph (a)(3) is amended to require the submission to the Secretary, upon request, of plans for advanced or modern shipbuilding technology.

Paragraph (b)(2) is amended to provide for the assignment, as required by the Secretary, of rights to receive all moneys which may become due with respect to the construction of advanced or modern shipbuilding technology.

Paragraph (b)(3) is amended to provide for the assignment, as required by the Secretary, of any agreements relating to the use of advanced or modern shipbuilding technology and all hire payable thereunder.

Paragraph (b)(4) excepts the obligor for debt underlying the guarantees for eligible export vessels from covenanting to file annual affidavits of continuing United States citizenship. The paragraph also includes a covenant requirement for the warranty of lien free title to advanced or modern shipbuilding technology and for maintenance of registry under the laws of a foreign country for an eligible export vessel.

A new paragraph (b)(8) requires covenants to maintain shipyard insurance on advanced or modern shipbuilding technology in an amount equal to the greater of 110 percent of the outstanding obligations or up to the full commercial value of the technology.

A new paragraph (b)(9) requires covenants to maintain additional types of insurance as may be required, such as political risk, for eligible export vessels to reflect any political, financial or economic risk in a foreign country.

Section 298.33 Escrow Fund

Paragraph (b) is amended to include advanced or modern shipbuilding technology as security for the guarantees when calculating the deposit of principal and in the formula for such calculation.

Paragraph (c) is amended to include multiple advanced or modern shipbuilding technology as security for the guarantees when calculating the deposit of principal and in the formula for such calculation.

Paragraph (e) is amended to include escrow fund disbursement prior to the guarantee termination date under certain conditions for advanced or modern shipbuilding technology.

Paragraph (g) is amended to provide for escrow fund disbursement under certain conditions for advanced or modern shipbuilding technology in the event of requisition of title, termination of construction contract or total loss.

Paragraph (h) is amended to include a provision for escrow fund disbursement upon a specified termination date under certain conditions for advanced or modern shipbuilding technology.

Section 298.34 Construction Fund

Section 298.34, Construction Fund, is amended in paragraph (b) to include disbursements from the construction fund prior to delivery of the advanced or modern shipbuilding technology.

Section 298.35 Reserve Fund and Financial Agreement

Section 298.35, Reserve Fund and Financial Agreement, is amended in paragraph (b)(1)(i), with respect to continuous covenants, to require the consent of the Secretary before the company can enter into a service, management or operating agreement with respect to advanced or modern shipbuilding technology.

Paragraph (c)(1)(i), with respect to financial covenants for companies meeting the special financial requirements, is amended to require the consent of the Secretary before the company can enter into a service, management, or operating agreement for advanced or modern shipbuilding technology.

New paragraph (b)(1)(v) is added to require the consent of the Secretary before the company can sell, transfer or lease advanced or modern shipbuilding technology or transfer such technology to an affiliate.

A new paragraph (c)(1)(vii) is added to require the consent of the Secretary before the company can sell, transfer, or lease advanced or modern shipbuilding technology or transfer such technology to an affiliate.

Paragraph (d) is amended to include a provision that, in the case of advanced or modern shipbuilding technology, the company shall compute its reserve fund net income in the manner prescribed by the Secretary.

Section 298.36 Annual Guarantee Fee

Section 298.36, Annual Guarantee Fee, is amended in paragraph (a) to specify the guarantee fee rates in general

for advanced or modern shipbuilding technology.

Paragraph (c) is amended to specify variable guarantee fee rates prior to delivery of advanced or modern shipbuilding technology.

Paragraph (d) is amended to specify variable guarantee fee rates after delivery of advanced or modern shipbuilding technology.

Section 298.37 Examination and Audit

Section 298.37, Examination and audit, is amended to include the right of the Secretary to examine and audit under specified conditions the books and records pertaining to any person having a financial interest in advanced or modern shipbuilding technology.

Section 298.39 Exemptions

New section 1111(a)(2) of the Act provides that the Secretary may guarantee obligations for eligible export vessels in accordance with such other terms as the Secretary determines to be more favorable than the terms otherwise provided in Title XI and to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards. Accordingly, § 298.39, Exemptions, is amended to include a provision for the exemption of an applicant from any requirement of Part 298 if the Secretary makes a written determination that such exemption would assist in creating financing terms that would be compatible with export credit terms for the sale of vessels built in foreign shipyards.

Section 298.41 Remedies After Default

Section 298.41, Remedies after default, is amended in paragraph (b) to provide that the Secretary, after default and before making payment, may take advanced or modern shipbuilding technology and hold, lease, charter, operate or use such technology.

Section 298.42 Reporting Requirements—Financial Statements

A requirement to meet generally accepted auditing or accounting standards may be unduly burdensome in the case of eligible export vessels. Accordingly, the introductory paragraph of § 298.42, Reporting requirements—financial statements, is amended to provide that in the case of such vessels, the company accounts shall be audited at least annually and the Secretary may require that the financial statements be in accordance with generally accepted accounting principles by accountants, as otherwise described in § 298.42, or by independent public accountants licensed to practice by the regulatory authority or other political subdivision of a foreign country, provided such accountants are satisfactory to the Secretary.

Rulemaking Analyses and Notices

Executive Order 12886 (Regulatory Planning and Review) and Other Requirements of Law

This rulemaking has been reviewed under Executive Order 12866, and it has been determined that it is a significant regulatory action since it is likely to result in a rule that may have an annual effect on the economy of $100 million or more. Initial Regulatory Assessments have been prepared and are available in the docket for inspection or copying where indicated under "ADDRESS." In summary, the Initial Regulatory Assessments finds that the cost of the Title XI program over the first two years is $144 million, resulting in an average annual cost of $72.0 million. Assuming that there is demand for maximum guarantees and guarantees will range from 70 percent to 87½ percent of actual cost of the vessel and shipyard modernization and improvement projects, the value of the vessels, capital goods and other assets produced over the first two years of the program will be about $1.85 billion. Further, it is estimated that new Title XI guarantees could generate 19,440 man-years of employment for U.S. shipyard workers, which translates into employment for 9,720 workers over a period of two years.

MARAD is publishing these amendments as an interim final rule as authorized by section 1362 of Public Law 103–160, which requires the Secretary to prescribe regulations within 90 days as necessary to carry out the Secretary's responsibilities under Title XI.

This rulemaking document has been reviewed by the Office of Management and Budget under Executive Order 12866, "Regulatory Planning and Review."

Federalism

MARAD has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

MARAD certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

MARAD has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains reporting requirements that have previously been approved by the Office of Management and Budget (Approval No. 2133–0018).

List of Subjects in 46 CFR Part 298

Loan programs—transportation, Maritime carriers, and Mortgages.

Accordingly, 46 CFR part 298 is amended as follows:

PART 298—[AMENDED]

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

Authority: 46 App. U.S.C. 1114(b), 1271 *et seq.*; 49 CFR 1.66.

2. Section 298.1 is revised to read as follows:

§ 298.1 Purpose.

This part prescribes regulations implementing the provisions of Title XI of the Merchant Marine Act, 1936, as amended, governing Federal ship financing assistance (46 App. U.S.C. 1271 *et seq.*).

§ 298.2 [Amended]

3. Section 298.2, Definitions, is amended as follows:

a. By amending existing paragraph (b), *Actual Cost*, by inserting after the word "Vessel", everywhere it appears, the words "or Advanced or Modern Shipbuilding Technology".

b. By amending existing paragraph (d), *Closing*, by removing the word, "Preferred".

c. By amending existing paragraph (e), *Depository*, by removing the period at the end, inserting a comma in its place and adding thereafter the phrase, "but in the case of an Eligible Export Vessel, can also mean a bank or other financial institution organized and doing business under the laws of a foreign country, which is authorized under such laws to exercise corporate trust powers, is found to be acceptable by the Secretary, and accepts deposits for purposes of implementing the program authorized by Title XI of the Act".

d. By amending existing paragraph (f), *Depreciated Actual Cost*, by inserting after the word "Vessel", each time it appears, the phrase, "or Advanced or Modern Shipbuilding Technology"; after the word, "shipbuilder", the words, "or manufacturer"; and after the

last word in the parenthesis the words, "or, in the case of Advanced or Modern Shipbuilding Technology, a residual value as appropriate".

e. By amending existing paragraph (m), *Mortgage*, by substituting a comma for the period and adding the words, "or an enforceable Preferred Mortgage, as defined in 46 U.S.C. 31322, with respect to an Eligible Export Vessel, or an enforceable first mortgage with respect to Advanced Shipbuilding Technology (as defined in paragraph (c) of this section) or with respect to Modern Shipbuilding Technology (as defined in paragraph (q) of this section).".

f. By amending existing paragraph (s), *Preferred Mortgage*, as follows: (1) In paragraph (s)(3) by inserting before the semi-colon the words, "or covers an Eligible Export Vessel";

(2) By removing "; or" at the end of paragraph (s)(4)(v) and adding in its place a period; and

(3) By removing paragraph (s)(4)(vi).

g. By amending existing paragraph (w), *Vessel*, by removing the period at the end of the definition, adding a semi-colon, and inserting thereafter the words, "except that an Eligible Export Vessel may not be owned by citizens of the United States nor documented under the laws of the United States".

h. By redesignating paragraphs (c) through (g), (h) through (l), and (m) through (w) as paragraphs (d) through (h), (l) through (p), and (r) through (bb), respectively, and adding new paragraphs (c), (i), (j), (k), and (q), and by revising newly designated paragraph (x)(4)(iv) to read as follows:

§ 298.2 Definitions.

* * * * *

(c) *Advanced Shipbuilding Technology* means: (1) Numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

(2) Novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

* * * * *

(i) *Eligible Export Vessel* means a vessel constructed, reconstructed, or reconditioned in the United States for use in world-wide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States.

(j) *Eligible Shipyard* means a private shipyard located in the United States.

(k) *General Shipyard Facility* means: (1) For operations on land—any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any Vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes; the land necessary for any structure or appurtenances; and, equipment that is for use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in this paragraph; and

(2) For operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in paragraph (k)(1) of this section.

* * * * *

(q) *Modern Shipbuilding Technology* means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

* * * * *

(x) * * *

(4) * * *

(iv) A person approved by the Secretary; or

* * * * *

§ 298.3 [Amended]

4. Section 298.3, Applications, is amended by designating the text following the heading of paragraph (e) as introductory text, adding two sentences to the end of paragraph (e) introductory text, and adding paragraphs (e)(1) through (e)(3) to read as follows:

§ 298.3 Applications.

* * * * *

(e) * * * In regard to shipyards, priority will be given to applications from General Shipyard Facilities that have engaged in naval vessel construction and that have pilot projects for shipyard modernization and vessel construction. With regard to Eligible Export Vessels, the Secretary may not issue a commitment to guarantee Obligations for an Eligible Export Vessel unless the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an Eligible Export Vessel will not result in the denial of an economically sound application to issue a commitment to guarantee Obligations for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States, after considering: (1) The status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States;

(2) The economic soundness of the applications referred to in paragraph (e)(1) of this section; and

(3) The amount of guarantee authority available.

* * * * *

5. Section 298.10 is amended by adding a new paragraph (e) to read as follows:

§ 298.10 Citizenship.

* * * * *

(e) *Exemption.* With regard to Eligible Export Vessels and Eligible Shipyards, the applicant and any other Person, (including, but not limited to settlors, owner trustees, owner participants and bareboat charterers) shall be exempted from complying with the provisions of paragraphs (a) through (d) of this section.

§ 298.11 [Amended]

6. Section 298.11, Vessel requirements, is amended as follows:

a. By amending paragraph (c), *Class, condition and operation.*, as follows: (1) By adding after the words "by the Secretary," in the first sentence the words, "or, in the case of an Eligible Export Vessel, such standards as may be imposed by a member of the International Association of Classification Societies (IACS) (classification societies to be ISO–9000 certified), with appropriate certificates required at delivery.".

(2) By removing the words, "and comply" in the first sentence, and inserting the words, "The Vessel shall comply".

(3) By removing the period after the words, "International Convention for Safety and Life at Sea" and inserting ", or, in the case of an Eligible Vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party.".

7. Section 298.12 is amended by revising paragraphs (b)(1)(i), (b)(1)(ii) and (c)(4); by designating the existing text of paragraph (f) following the heading as paragraph (f)(1); by removing

the word "The" at the beginning of paragraph (f)(1) and adding the words "In the case of an applicant for a vessel financing guarantee, the"; and by adding paragraph (f)(2) to read as follows:

§ 298.12 Applicant and operator's qualifications.

* * * * *

(b) *Identity and ownership of applicant.* * * *

(1) * * *

(i) Exact name of applicant and tax identification number of a U.S. corporation;

(ii) State or country in which incorporated and date of incorporation;

* * * * *

(c) *Applicants: business and affiliations.* * * *

* * * * *

(4) A statement of whether or not the applicant or any predecessor or related company is now, or during the past 5 years has been, in default under any agreement or undertaking: (i) With others, the United States or a country other than the United States; or

(ii) Guaranteed or insured by the United States or a country other than the United States.

* * * * *

(f) * * *

(2) In the case of an Eligible Shipyard which is an applicant for a Guarantee for Advanced or Modern Shipbuilding Technology, a detailed statement shall be submitted evidencing its ability to successfully construct/reconstruct vessel(s), including name, education, background of, and licenses, if any, held by all management personnel concerned with the physical operation of the shipyard, union affiliations and existing contracts necessary to the management and operation of the shipyard.

8. Section 298.13, is amended as follows:

a. By redesignating paragraphs (a)(2)(ii) through (iv) as paragraphs (a)(2)(iii) through (v), adding new paragraphs (a)(2)(ii), (d)(3) and (e)(3), and revising the fourth through sixth sentences of paragraph (a)(3) to read as follows:

§ 298.13 Financial requirements.

(a) * * *

(2) * * *

(ii) In the case of Advanced or Modern Shipbuilding Technology, a detailed statement of the actual cost of such technology, including those items which would normally be capitalizable. If any of the costs have been incurred by written contracts, signed copies shall be forwarded with the application. The applicant may be required to have manufacturers submit back-up cost details and technical data. This information shall be submitted in the format prescribed by the Title XI application procedures.

* * * * *

(3) * * * If the applicant intends to utilize co-financing (involving a blend of Title XI and private financing for the debt portion), the terms and conditions of such financing shall be subject to approval by the Secretary. The applicant shall demonstrate with financial statements that at least 12½ percent of the construction or reconstruction costs of the Vessel(s) or the cost of the Advanced Shipbuilding Technology or Modern Shipbuilding Technology will be in the form of equity and not additional debt. The applicant shall disclose all of the Vessel(s), Advanced Shipbuilding Technology or Modern Shipbuilding Technology financing in the format prescribed by the Title XI application procedures.

* * * * *

(d) *Primary financial requirements at Closing.* * * *

* * * * *

(3) *Owner as General Shipyard Facility.* Where the owner of Advanced or Modern Shipbuilding Technology is a General Shipyard Facility, minimum requirements at Closing will be the same as those set forth in paragraph (d)(1) of this section for an owner as operator."

(e) *Special financial requirements at closing.* * * *

* * * * *

(3) *Owner as General Shipyard Facility.* Where the owner of Advanced or Modern Shipbuilding Technology is a General Shipyard Facility, special financial requirements at Closing will be the same as those outlined in paragraph (e)(1) of this section for an owner as operator insofar as they apply to such technology.

* * * * *

b. By amending redesignated paragraph (a)(2)(iv) by removing the references "(a)(2)(i) and (ii)" and adding in lieu thereof "(a)(2)(i) through (iii)".

c. By amending paragraph (b)(5), *Capitalizable Cost,* to insert immediately after the word, "Vessel," where it first appears, the words, "or Advanced or Modern Shipbuilding Technology and those other items which customarily would be capitalized as Vessel costs or Advanced or Modern Shipbuilding Technology costs under generally accepted accounting principles".

d. By amending paragraph (b)(6), *Depreciated Capitalized Cost,* by adding after the word, "Vessel", where it first appears, the words, "or Advanced or Modern Shipbuilding Technology", and removing the words, "of the Vessel".

e. By amending paragraph (c)(1) by adding after the word, "Vessels", the words, "or Advanced or Modern Shipbuilding Technology".

f. By removing the period at the end of paragraph (c)(2) and adding the words, "or in connection with other Advanced or Modern Shipbuilding Technology financed under the Title XI program.".

8. Section 298.14, is amended as follows:

a. By revising paragraph (a) introductory text to read as follows:

§ 298.14 Economic soundness.

(a) *Economic Evaluation.* No Letter Commitment for guarantees shall be given by the Secretary without a finding that the proposed project, with respect to which the Vessel(s) or Advanced or Modern Shipbuilding Technology to be financed or refinanced under Title XI, will be economically sound.

* * * * *

b. By amending paragraphs (a)(1)(ii) through (iv) by capitalizing the first letter of the word, "vessel", each place it appears, and inserting thereafter the words, "or utilization of the Advanced Shipbuilding Technology or Modern Shipbuilding Technology of a General Shipyard Facility".

c. Paragraph (a)(2)(i)(B) is amended by adding at the end, before the semi-colon, the words, "or, with respect to Advanced or Modern Shipbuilding Technology, how the equipment will be employed, including the number, type, and buyer of vessels for which it will be used".

d. Paragraphs (a)(2)(i)(C) and (D) are amended by inserting after the word, "Vessel(s)", the words, "or Advanced or Modern Shipbuilding Technology".

e. Paragraph (a)(2)(i)(F)(*1*) is amended by inserting, before the semi-colon, the words, "or the new technology".

f. Paragraph (a)(2)(ii), *Revenues,* is amended by inserting after the word "Vessel(s)", the words, "or the new technology".

g. Paragraph (a)(2)(iii), *Expenses,* is amended in the introductory text by adding after the word, "expense", the words, "or expenses associated with Advanced or Modern Shipbuilding Technology".

h. Paragraph (b)(1) introductory text is amended by inserting after the words, "Vessel(s)" and "vessel" (capitalizing the first letter), each place it appears, the words, "or new technology".

§ 298.16 [Amended]

9. Section 298.16, Substitution of participants, is amended in paragraph

(b) by inserting after the word, "Vessel", the words, "or Advanced or Modern Shipbuilding Technology".

10. Section 298.17, is amended by redesignating the introductory text and paragraphs (a) through (d) as paragraph (a) introductory text and paragraphs (a)(1) through (a)(4), respectively, and by adding new paragraphs (a)(5), (a)(6) and (b), to read as follows:

§ 298.17 Evaluation of applications.

(a) * * *

(5) In the case of an Eligible Shipyard, the capability of the shipyard to engage in naval vessel construction in time of war or national emergency.

(6) In the case of Advanced or Modern Shipbuilding Technology, the Guarantees extend for less than the technological life of the asset.

(b) In determining the amount of equity which must be provided by the applicant, the Secretary shall consider the following:

(1) The financial strength of the company;

(2) Adequacy of collateral; and

(3) The term of the Guarantees.

Subpart B, Appendix B—[Removed]

10a. Subpart B is amended by removing Appendix B.

§ 298.20 [Amended]

11. Section 298.20, Term, redemptions and interest rate, is amended as follows: a. Paragraph (a), *In general,* is amended as follows: (1) In the first sentence of the introductory paragraph, by adding the words, "or Advanced or Modern Shipbuilding Technology", immediately preceding the period.

(2) By removing the word "and" at the end of paragraph (a)(2), by substituting "; and" for the period after paragraph (a)(3), by adding paragraph (a)(4), and revising paragraph (c) to read as follows:

§ 298.20 Term, redemption and interest rate.

(a) * * *

(4) The technological life of the Advanced or Modern Shipbuilding Technology.

* * * * *

(c) *Interest rate.* With respect to Guarantees for U.S.-flag Vessels owned by U.S. citizens, the interest rate of each Obligation must be determined by the Secretary to be reasonable, taking into account the range of interest prevailing in the private market for similar loans and the risks assumed by the Secretary. With respect to Guarantees for all other transactions, the Secretary will use discretion to determine the interest rate with respect to each application.

b. Paragraph (b), *Required redemptions,* is amended by adding after the word, "Vessels", the words, "or multiple Advanced Shipbuilding Technology or Modern Shipbuilding Technology assets".

§ 298.21 [Amended]

12. Section 298.21, Limits, is amended as follows:

a. Paragraph (a), *Actual Cost basis,* is amended by adding in the second sentence of the introductory paragraph after the word, "Vessels", the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology asset(s)", and in paragraph (a)(2), by adding after the word, "Vessel", the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

b. Paragraph (b), *Actual Cost items,* is amended by inserting after the word, "Vessel", each place it appears, the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

c. Paragraph (c), *Items excludable from Actual Cost,* is amended by removing the word, "and", after paragraph (c)(12) and the period after paragraph (c)(13), by inserting "; and" after paragraph (c)(13); and by adding paragraphs (c)(14) and (c)(15) to read as follows:

§ 298.21 Limits.

* * * * *

(c) * * *

(14) Generally not include any amount payable to the manufacturer of the Advanced Shipbuilding Technology or Modern Shipbuilding Technology for early delivery of the equipment to the General Shipyard Facility; and

(15) Predelivery Advanced Shipbuilding Technology or Modern Shipbuilding Technology expenses which may not be properly capitalized by the General Shipyard Facility as costs of the technology under Generally Accepted Accounting Principles.

* * * * *

d. Paragraph (d), *Substantiation of Actual Cost,* is amended by inserting after the word, "Vessel", each place it appears, the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

e. Paragraph (f), is amended by removing in the heading the words, "of the Vessels", and adding in the text after the word, "Vessel", each place it appears, the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

f. Paragraph (g) is amended by inserting after the word, "Vessel", each place it appears, the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

§ 298.22 [Amended]

13. Section 298.22, Amortization of Obligations, is amended as follows: a. By adding in the introductory paragraph, after the word, "Vessel", the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology";

b. By redesignating paragraphs (1) and (2) as paragraphs (a) and (b); and,

c. By removing the word, "or", after newly designated paragraph (a), inserting "; or" in the place of the period after newly designated paragraph (b), and adding a new paragraph (c) to read as follows:

§ 298.22 Amortization of obligations.

* * * * *

(c) With regard to Eligible Export Vessels, in accordance with such other terms as the Secretary determines to be more favorable and to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards.

§ 298.23 [Amended]

14. Section 298.23, Refinancing, is amended by adding the following sentence at the end of the section: "Refinancing of Title XI debt only shall be permitted for Advanced or Modern Shipbuilding Technology.".

§ 298.27 [Amended]

15. Section 298.27, Lease payments, is amended by adding after the word, "Vessel", the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

§ 298.28 [Amended]

16. Section 298.28, Advances, is amended as follows: a. In paragraph (a)(2)(i) by inserting after the word, "Vessel(s)" the words, "or Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

b. By removing the word, "and", after paragraph (a)(2)(ii), removing the period after paragraph (a)(2)(iii) and inserting in its place "; and", and by adding a new paragraph (a)(2)(iv) to read as follows:

§ 298.28 Advances.

(a) * * *

(2) * * *

(iv) Any other available collateral on other General Shipyard Facility equipment, land, and/or assets.

* * * * *

17. Section 298.31, is amended as follows:

a. Paragraph (a) is revised to read as follows:

§ 298.31 Mortgage.

(a) *In general.* Under normal circumstances, a Guarantee shall not be endorsed on any Obligation until the Secretary receives satisfactory evidence of a Mortgage in one or more Vessels or a Mortgage or other security interest in the Advanced Shipbuilding Technology or Modern Shipbuilding Technology (the "Technologies"), in favor of the Secretary. During construction of a new Vessel or any of the Technologies, a security interest may be perfected by a filing under the Uniform Commercial Code. In order to ensure that the Secretary's Mortgages or security interests are valid and have worldwide enforceability, the Secretary shall require the Obligor to obtain legal opinions in form and substance satisfactory to the Secretary from independent, outside legal counsel satisfactory to the Secretary, including, in the case of an Eligible Export Vessel, foreign legal counsel. In the case where a Mortgage or security interest on the financed assets may not be available or enforceable, the Secretary shall require alternative forms of security. The Security Agreement shall provide that upon delivery of a new Vessel or upon final installation of the Technologies, or at the time Guarantees are issued with respect to an existing Vessel or the Technologies, a Mortgage on the Vessel and a Mortgage or other security interest on the Technologies shall be executed in favor of the Secretary, unless the Secretary determines that a Mortgage or a security interest is not required in accordance with the preceding sentence. The Mortgage shall be filed with the United States Coast Guard at the Vessel's port of record, or with the proper foreign authorities with respect to an Eligible Export Vessel, and with respect to assets of a General Shipyard Facility a Mortgage and security interest shall be filed with the proper authorities within the appropriate state and shall be delivered to the Secretary after being recorded.

* * * * *

b. Paragraph (c), *Adequacy of collateral,* is amended by inserting after the word, "Vessel(s)" or "vessel(s)", each time it appears, the words, "or Advanced or Modern Shipbuilding Technology".

18. Section 298.32 is amended as follows: a. Paragraph (a)(1) is amended by inserting after the word, "shipyard", each time it appears, the words, "or manufacturer of the Advanced Shipbuilding Technology or Modern Shipbuilding Technology".

b. Paragraphs (a)(2) and (a)(3) are amended by inserting after the word, "Vessel", each time it appears, the words, "or Advanced or Modern Shipbuilding Technology".

c. Paragraphs (b)(2) and (b)(3) are amended by inserting after the word, "Vessel", in each paragraph, the words, "or Advanced or Modern Shipbuilding Technology".

d. Paragraph (b)(4) is revised, paragraph (b)(6) is amended by removing the word "and" at the end of the paragraph, paragraph (b)(7) is amended by removing the period and adding in its place a semicolon, and paragraphs (b)(8) and (b)(9) are added to read as follows:

§ 298.32 Required provisions in documentation.

* * * * *

(b) *Assignments and general covenants from Obligor to Secretary.* * * *

* * * * *

(4) Covenants relating to the annual filing of satisfactory evidence of continuing United States citizenship, in accordance with 46 CFR part 355, with the exception of Eligible Export Vessels; warranty of Vessel or Advanced Shipbuilding Technology or Modern Shipbuilding Technology title free from all liens other than those specifically excepted; maintaining United States registry of the Vessel or registry under the laws of a country other than the United States with regard to an Eligible Export Vessel; compliance with the provisions of 46 U.S.C. 31301–31343; Notice of Mortgage, payment of all taxes (except if being contested in good faith); annual financial statements audited by independent certified or independent licensed public accountant.

* * * * *

(8) Covenants to maintain shipyard insurance on the Advanced Shipbuilding Technology or Modern Shipbuilding Technology in an amount equal to 110% of the outstanding Obligations or up to the full commercial value of the technology, whichever is greater, and such additional insurance as may be required by the Secretary; and

(9) Covenants to maintain additional types of insurance as may be required by the Secretary with respect to Eligible Export Vessels, i.e. political risk insurance, to cover such items as the political, financial, and/or economic risk in a foreign country.

§ 298.33 [Amended]

19. Section 298.33, Escrow Fund, is amended in paragraphs (b), (c), (e), (g) and (h) by inserting after the words, "Vessel", or "Vessels", wherever they appear, the words, "or Advanced or Modern Shipbuilding Technology".

§ 298.34 [Amended]

20. Section 298.34, Construction Fund, is amended in paragraph (b) by inserting after the word, "Vessel", the words, "or Advanced or Modern Shipbuilding Technology".

§ 298.35 [Amended]

21. Section 298.35, Reserve Fund and Financial Agreement, is amended as follows:

a. Paragraphs (b)(1)(i), (c)(1)(i) and (e) are amended by inserting after the word, "Vessel", each place it appears, the words, "or Advanced or Modern Shipbuilding Technology".

b. By adding paragraph (b)(1)(v), by removing the word, "or," at the end of paragraph (c)(1)(v), by removing the period and adding in its place "; or" at the end of paragraph (c)(1)(vi), by adding paragraph (c)(1)(vii), and by adding a new sentence after the penultimate sentence in paragraph (d) introductory text to read as follows:

§ 298.35 Reserve Fund and Financial Agreement.

* * * * *

(b) * * *

(1) * * *

(v) Sell, transfer, or lease any Modern or Advanced Shipbuilding Technology financed with the assistance of Title XI guarantees or transfer such technology to an Affiliate under any form of contract.

* * * * *

(c) * * *

(1) * * *

(vii) Sell, transfer, or lease any Advanced or Modern Shipbuilding Technology financed with the assistance of Title XI guarantees or transfer such technology to an Affiliate under any form of contract.

* * * * *

(d) * * * In the case of Advanced or Modern Shipbuilding Technology, the Agreement shall provide that within 105 days after the end of its accounting year, the Company shall compute its Reserve Fund Net Income in the manner as may be required by the Secretary. * * *

* * * * *

§ 298.36 [Amended]

22. Section 298.36, Annual Guarantee Fee, is amended in paragraphs (a), (c) and (d) by inserting after the word, "Vessel", whenever it appears in the caption or in the text, the words, "or Advanced or Modern Shipbuilding Technology".

§ 298.37 [Amended]

23. Section 298.37, Examination and audit, is amended in the first and second sentences by inserting after the

word, "Vessel", the following: "or Advanced or Modern Shipbuilding Technology".

§ 298.39 [Amended]

24. Section 298.39, Exemptions, is amended by adding at the end a sentence, reading, "In the case of Eligible Export Vessels, the Secretary may also exempt an applicant from any requirement of this Part not required by law if the Secretary makes a written determination that such exemption would assist in creating financing terms that would be compatible with export credit terms for the sale of vessels built in shipyards other than those in the United States.".

§ 298.41 [Amended]

25. Section 298.41, Remedies after default, is amended in paragraph (b) by adding after the word, "Vessel", each place it appears, the words, "or Advanced or Modern Shipbuilding Technology".

§ 298.42 [Amended]

26. Section 298.42. Reporting requirements-financial statements, is amended by adding the following sentence between the first and second sentences of the introductory text, "In the case of Eligible Export Vessels, the accounts of the Company shall be audited at least annually, and the Secretary may require that the financial statements be in accordance with generally accepted accounting principles, by accountants as described in the first sentence of this section or by independent public accountants licensed to practice by the regulatory authority or other political subdivision of a foreign country, provided such accountants are satisfactory to the Secretary".

27. Add new §§ 298.18 and 298.19 to subpart B to read as follows:

§ 298.18 Financing Advanced or Modern Shipbuilding Technology.

(a) *Initial criteria.* The Secretary may approve Guarantees issued to finance Advanced or Modern Shipbuilding Technology at a General Shipyard Facility. The Secretary will approve such Guarantees only upon a finding by the Secretary that the Guarantees will aid in the transition from naval shipbuilding to commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity. The applicant shall provide a detailed statement with the Guarantee application which will provide the basis for such finding by the Secretary.

(b) *Other conditions.* Applications for loan guarantees under this section shall not be approved unless the Secretary determines that the following requirements have been met: (1) The term for such Guarantees will not exceed the technological life of the assets being financed, as determined by the Secretary;

(2) There is sufficient collateral to secure the Guarantee;

and

(3) Approval of the application will not preclude approval of any other pending application for Advanced or Modern Shipbuilding Technology Guarantees which, in the sole opinion of the Secretary, would result in a more desirable use of appropriated funds. The Secretary's opinion will take into consideration such factors as the types of vessels which will be built by the shipyard, the productivity increases which will be achieved, the geographic location of the shipyard, the long-term viability of the shipyard, the soundness of the financial transaction, any financial impact on other Title XI transactions, and the furtherance of the goals of the Shipbuilding Act.

§ 298.19 Financing Export Vessels.

(a) *Transmittal to Secretary of Defense.* Upon receiving an application for a loan Guarantee for an Eligible Export Vessel, the Secretary shall promptly provide to the Secretary of Defense notice of the receipt of the application. During the 30-day period beginning on the date on which the Secretary of Defense receives such notice, the Secretary of Defense may disapprove the loan guarantee based on the assessment of the Secretary of the potential use of the Vessel in a manner that may cause harm to United States national security interests. The Secretary of Defense may not disapprove a loan Guarantee under this section solely on the basis of the type of vessel to be constructed with the loan Guarantee. The authority of the Secretary to disapprove a loan Guarantee under this section may not be delegated to any official other than a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate. The Secretary of Transportation may not make a loan guarantee disapproved by the Secretary of Defense.

(b) *Determinations by the Secretary.* (1) If the loan Guarantee commitment cost of any such Vessel is made available from funds transferred from the Secretary of Defense pursuant to section 108 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160, 107 Stat. 1547), the Vessel must be of at least 5,000 gross tons and found by the Secretary to be commercially marketable on the international market.

(2) Such Guarantees shall not be approved unless: (i) The Secretary finds that the construction, reconstruction or reconditioning of the Vessel will aid in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency; and

(ii) The owner of the Vessel agrees with the Secretary that the Vessel shall not be transferred to any country designated by the Secretary of Defense as a country whose interests are hostile to the interests of the United States.

(3) The Secretary may approve Guarantees issued to finance Eligible Export Vessels. Such Guarantee shall not be approved unless the Secretary determines that the country, to which the Vessel is to be exported, together with related institutions, is sufficiently creditworthy. The Secretary's determination shall be based on confidential risk assessments provided by the Export-Import Bank of the United States and country risk analyses provided by the Inter-Agency Country Risk Assessment System and shall take into account any other factors related to the loan guarantee transaction deemed pertinent by the Secretary.

Dated: March 29, 1994.

By Order of the Maritime Administrator.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 94–7833 Filed 3–30–94; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[APD 2800.12A CHGE 52]

RIN: 3090–AF21

General Services Administration Acquisition Regulation: ISO 9000, International Standards for Quality Management

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to revise section 552.246–70, Source Inspection by Quality Approved Manufacturer, to

clarify that the contractor's quality system must comply with the requirements of ISO 9001 or ISO 9002 and be registered by a third party registrar accredited by either the Registrar Accreditation Board or an organization recognized as equivalent in order to qualify as an acceptable Alternative to an inspection system that complies with Federal Standard 368.

EFFECTIVE DATE: April 11, 1994.

FOR FURTHER INFORMATION CONTACT: Paul Lynch, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it is not a significant revision as defined in FAR 1.501–1.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget (OMB) for review because the rule is not a significant regulatory action as defined in Executive Order 12866, Regulatory Planning and Review, and therefore was not required to be submitted.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply because this rule is not a significant revision as defined in FAR 1.501–1.

D. Paperwork Reduction Act

The clause at 552.246–70, Source Inspection by Quality Approved Manufacturer, which is being modified by this change, does contain an information collection. However, the revision to the clause does not affect the information collection requirements of the clause which have been previously approved by OMB and assigned control number 3090–0027.

List of Subjects in 48 CFR Part 552

Government procurement.

Accordingly, 48 CFR Part 552 is amended as follows:

1. The authority citation for 48 CFR Part 552 continues to read as follows:

Authority: 40 U.S.C. 486(c)

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 552.246–70 is amended by revising the clause date and paragraph (a)(1) to read as follows:

552.246–70 Source inspection by quality approved manufacturer.

* * * * *

Source Inspection by Quality Approved Manufacturer (Mar. 1994)

(a) *Inspection system and inspection facilities.*

(1) The inspection system maintained by the Contractor under the Inspection of Supplies—Fixed Price clause ((FAR) 48 CFR 52.246–2) of this contract shall be maintained throughout the contract period and shall comply with all requirements of editions in effect on the date of the solicitation of either Federal Standard 368 or the International Organization for Standardization (ISO) Standard 9001 (ANSI/ASQC Q 91) (Quality Systems—Model for Quality Assurance in Design/Development, Production, Installation and Servicing), or ISO Standard 9002 (ANSI/ASQC Q 92) (Quality Systems—Model for Quality Assurance in Production and Installation). The ISO 9000 family of standards is a set of worldwide standards used to document, implement and demonstrate quality assurance systems. When using the ISO option the Contractor's quality system must be registered by a third party registrar accredited by either the Registrar Accreditation Board (RAB) or an organization recognized as equivalent. A written description of the inspection system shall be made available to the Government before contract award. The Contractor shall immediately notify the Contracting Officer and the designated GSA quality assurance office of any changes made in the inspection system during the contract period. As used herein, the term "inspection system" means the Contractor's own facility or any other facility acceptable to the Government that will be used to perform inspections or tests of materials and components before incorporation into end articles and for inspection of such end articles before shipment. When the manufacturing plant is located outside of the United States, the Contractor shall arrange delivery of the items from a plant or warehouse located in the United States (including Puerto Rico and the Virgin Islands) equipped to perform all inspections and tests required by the contract or specifications to evidence conformance therewith, or shall arrange with a testing laboratory or other facility in the United States, acceptable to the Government, to perform the required inspections and tests.

* * * * *

Dated: March 21, 1994.

Arthur E. Ronkovich,

Acting Associate Administrator for Acquisition Policy.

[FR Doc. 94–7664 Filed 3–30–94; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 940242–4042; I.D. 032894C]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock by vessels catching pollock for processing by the inshore component in the Eastern Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the allocation of pollock specified for the inshore component in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 28, 1994, until 12 midnight, A.l.t., December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Fishery.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the GOA (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.20(c)(1)(ii), the allocation of pollock total allowable catch (TAC) specified for the inshore component in the Eastern Regulatory Area of the GOA was established by the final 1994 groundfish specifications (59 FR 7647, February 16, 1994), as 7,300 metric tons (mt).

The Director of the Alaska Region, NMFS, has determined, in accordance with § 672.20(c)(2)(ii), that the allocation of pollock specified for the inshore component in the Eastern Regulatory Area soon will be reached. The Regional Director established a directed fishing allowance of 7,000 mt, with consideration that an additional 300 mt will be taken as incidental catch in directed fishing for other species in the Eastern Regulatory Area. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock by operators of vessels catching pollock for processing by the inshore

component in the Eastern Regulatory Area of the GOA, effective from 12 noon, A.l.t., March 28, 1994, until 12 midnight, A.l.t., December 31, 1994.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 28, 1994.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–7720 Filed 3–28–94; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 59, No. 62
Thursday, March 31, 1994

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 94–ASO–5]

Proposed Establishment of Class E Airspace; Somerville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E Airspace at Somerville, Tennessee. A Non-Directional Beacon (NDB) Runway 18 Standard Instrument Approach Procedure (SIAP) for the Fayette County Airport has recently been developed. Controlled airspace extending upward from 700 feet above the surface of the earth is needed to contain Instrument Flight Rules (IFR) operations when utilizing this SIAP. The intended effect of this proposal is to provide adequate Class E airspace for IFR operators executing the developed SIAP.

DATES: Comments must be received on or before May 20, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 94–ASO–5, Manager, System Management Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, room 530, 1701 Columbia Avenue, College Park, Georgia 30349, telephone (404) 305–5200.

FOR FURTHER INFORMATION CONTACT: Wade Carpenter, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5585.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–ASO–5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, room 530, 1701 Columbia Avenue, College Park, Georgia 30349, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Class E airspace at Somerville, Tennessee. An NDB Runway 18 SIAP to serve the Fayette County Airport has been developed. Controlled airspace extending upward from 700 feet above the surface of the earth is needed to contain IFR operations when utilizing this SIAP. The coordinates for this airspace docket are based on North American Datum 83. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in CFR 71.1 effective September 16, 1993. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Para. 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASO TN E5 Somerville, TN [New]

Fayette County Airport, TN.
(lat.35°12′22″N, long. 89°23′40″W)

That airspace extending upward from 700 feet above the surface of the earth within a 7-mile radius of the Fayette County airport.

* * * * *

Issued in College Park, Georgia, on March 23, 1994.

Michael J. Powderly,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 94–7656 Filed 3–30–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 93–ASW–60]

Proposed Establishment of Class E Airspace: Alta Vista Ranch Airport, Marfa, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace, airspace 700 feet above ground level (AGL), at Alta Vista Ranch Airport, Marfa, TX. The development of a very high frequency omni-directional range (VOR) standard instrument approach procedure (SIAP) to Runway (RWY) 15 has made this proposal necessary.The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the VOR RWY 15 SIAP at Alta Vista Ranch Airport, Marfa, TX.

DATES: Comments must be received on or before May 16, 1994.

ADDRESSES: Send comments on the proposal in triplicate to Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 93–ASW–60, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. The official docket may be examined in the Office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Forth Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin E. DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193–0530; telephone: (817) 222–5595.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed under the caption "ADDRESSES." Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 93–ASW–60." The postcard will be dated and time stamped and returned to the commenters. All communications received on or before the specified closing date for comments will be considered before taking action the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, Department of Transportation, Forth Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFP part 71) to establish Class E airspace, controlled airspace extending upward from 700 feet AGL, at Alta Vista Ranch Airport, Marfa, TX. The development of a VOR RWY 15 SIAP has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the VOR RWY 15 SIAP at Alta Vista Ranch Airport, Marfa, TX.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 15 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ASW TX E5 Marfa, Alta Vista Ranch Airport, TX [New]

Marfa, Alta Vista Ranch Airport, TX
(lat. 30°08'54"N., long. 103°53'35"W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Alta Vista Ranch Airport.

* * * * *

Larry D. Gray,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 94–7654 Filed 3–30–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 93–ASW–58]

Proposed Modification of Class E Airspace: Clarendon, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the Class E airspace at Clarendon, TX. A recent amendment to the nondirectional radio beacon (NDB) Runway (RWY) 1 standard instrument approach procedure (SIAP) has resulted in the need to release control of some Class E airspace at Clarendon Municipal Airport while maintaining adequate Class E airspace to contain instrument flight rules (IFR) operations at the airport. The intended effect of this proposal is to release control of unneeded Class E airspace while maintaining adequate Class E airspace for aircraft executing the SIAP's at Clarendon Municipal Airport, Clarendon, TX.

DATES: Comments must be received on or before May 16, 1994.

ADDRESSES: Send comments on the proposal in triplicate to Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 93–ASW–58, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. The official docket may be examined in the Office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 222–5595.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views the suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed under the caption "ADDRESSES." Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 93–ASW–58." The postcard will be date and time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, Department of Transportation, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class E airspace at Clarendon, TX. An amendment to the NDB RWY 1 SIAP now permits a reduction in the amount of Class E airspace needed to contain IFR operations at Clarendon Municipal Airport. The intended effect of this proposal is to release control of unneeded Class E airspace while maintaining adequate Class E airspace for aircraft executing the SIAP's at Clarendon, TX.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class E airspace areas extending upward from 700 feet or more above ground level, are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ASW TX E5 Clarendon, TX [Modify]

Clarendon Municipal Airport, TX.
(lat. 34°54'38" N., long. 100°52'12" W.)
Clarendon RBN
(lat. 34°54'37" N., long. 100°52'05" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Clarendon Municipal Airport and within 1.3 miles each side of the 209° bearing from the Clarendon RBM extending from the airport to 7.4 miles southwest of the RBN.

* * * * *

Larry D. Gray,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 94–7655 Filed 3–30–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 334

[Docket No. 78N–036L]

RIN 0905–AA06

Laxative Drug Products for Over-The-Counter Human Use; Proposed Amendment to the Tentative Final Monograph

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is amending the tentative final monograph for over-the-counter (OTC) laxative drug products to limit the OTC container size for sodium phosphate/sodium biphosphate oral solution to not greater than 90 milliliters (mL) (3 ounces (oz)). FDA is limiting this container size because of reports of deaths associated with an overdosage of sodium phosphate/sodium biphosphate oral solution where the product was packaged in a larger-size container and a larger than intended dose was taken inadvertently. The agency is also adding a warning for all sodium phosphate/sodium biphosphate products not to exceed the recommended dosage unless directed by a doctor. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments on the proposed regulation by May 31, 1994; written comments on the agency's economic impact determination by May 31, 1994. FDA is proposing that this portion of the final monograph be effective 30 days after the date of publication of the final rule in the **Federal Register.**

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

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810),Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5000.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 21, 1975 (40 FR 12902), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC laxative, antidiarrheal, emetic, and antiemetic drug products, together with the recommendations of the Advisory Review Panel on OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Drug Products (the Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in these classes. The Panel recommended monograph status for phosphate salts, such as sodium phosphate/sodium biphosphate oral solution (40 FR 12902 at 12940), but did not recommend any container size limitations.

The agency's proposed regulation, in the form of a tentative final monograph, for OTC laxative drug products was published in the **Federal Register** of January 15, 1985 (50 FR 2124). The agency also proposed monograph status for sodium phosphate/sodium biphosphate oral solution (50 FR 2124 at 2152 and 2155), but did not recommend any container size limitations. The proposed dosage for adults and children 12 years of age and over is 3.42 to 7.56 grams (g) of sodium phosphate and 9.1 to 20.2 g of sodium biphosphate in a single daily dose. In addition to its use as an OTC laxative for the relief of occasional constipation, sodium phosphate/sodium biphosphate oral solution is used as part of a bowel ansing regimen in preparing a patient for surgery or for preparing the colon for x-ray endoscopic examination. (See proposed § 334.80(a)(2), 50 FR 2124 at 2157.)

The major trade product containing sodium phosphate/sodium biphosphate oral solution is marketed in 45 mL, 90-mL, and 240-mL bottles (Ref. 1). The purgative dose or dose used for colonoscopy is 45 mL (1 1/2 oz). Because the product is available in three sizes, the manufacturer's labeling advises physicians to prescribe by volumes and not to prescribe by the bottle and not to exceed the recommended dosage, as serious side effects may occur (Ref. 1). Despite this labeling, the multiple container sizes available in the marketplace have caused consumer confusion and appear to have been involved in several consumer deaths.

II. Adverse Reactions and Deaths Associated with Sodium Phosphate/Sodium Biphosphate Oral Solution

From January 8, 1987, to April 21, 1993, the agency has received 5 reports of death in elderly patients and 13 reports of other adverse reactions related to the use of laxative drug products containing sodium phosphate/sodium biphosphate oral solution (Refs. 2 through 6). The five deaths involved elderly patients consuming the product in preparation for x-ray or endoscopic examinations. The first death (Ref. 2) involved a 72-year-old woman who apparently was instructed to take two sodium phosphate/sodium biphosphate enemas, but instead ingested 1 2/3 containers (size not known) of sodium phosphate/sodium biphosphate oral solution on the morning of her scheduled testing. She experienced cardiac arrest 1 hour after being admitted to the hospital and died within 9 hours after consuming the laxative. The second death (Ref. 2) involved an elderly male who was instructed by his radiologist to purchase sodium phosphate/sodium biphosphate oral solution to prepare for a barium enema. The patient purchased a 240-mL (8-oz) container and ingested the entire contents, apparently without following

the directions on the label. The patient soon developed severe diarrhea and collapsed, having no discernible pulse when the rescue squad arrived. The patient was hospitalized for symptoms of hyperphosphatemia and hypocalcemia and died within 48 hours after consuming the sodium phosphate/sodium biphosphate oral solution. Laboratory analyses 1 week prior to death revealed normal electrolyte values. The third death (Ref. 2) also involved an elderly male who was instructed by his physician to purchase sodium phosphate/sodium biphosphate oral solution in preparation for a colonoscopy. The physician was unaware that the solution was available in containers larger than 90 mL and had instructed the patient to drink one-half of the container in the morning and to take the second-half of the container later in the afternoon. The patient purchased the 240-mL container size and ingested the entire contents. The patient subsequently developed nausea, vomiting, and chills, followed by grand mal seizures, and was taken to the hospital after being found unconscious at home. Upon admission, the patient was treated for hyperphosphatemia and hypocalcemia, but did not respond to electrolyte replacement therapy. During hospitalization, the patient had several seizures, was placed on hemodialysis, eventually developed adult respiratory distress syndrome, and died. Overdosage of sodium phosphate/sodium biphosphate oral solution was considered the contributing factor to this patient's death. The fourth death occurred in an 80-year-old female nursing home patient (Ref. 3). The physician had ordered a 45 mL dose of sodium phosphate/sodium biphosphate oral solution to be given in preparation for an endoscopy exam. The nurse inadvertently gave the patient a 240-mL dose, and the patient died the next day. A fifth death involved a 71-year-old female (Ref. 4) admitted to the hospital for rectal prolapse corrective surgery. The patient's physician ordered a one-time dose of 240 mL of sodium phosphate/sodium biphosphate oral solution for the purpose of cleansing the patient's bowel prior to surgery. The pharmacist who filled the order questioned the dose and notified the patient's nurse that 240 mL appeared to be an unusual dose. The nurse discussed the dosage with the patient's physician, and the nurse was told to administer the entire 240 mL in one dose. The patient received the entire dose and died 2 hours later.

Four of the other reports of adverse reactions also involved serious cases of accidental overdosage. The first (Ref. 2) involved a 64-year-old male who consumed 240 mL of sodium phosphate/sodium biphosphate oral solution instead of the recommended dose of 45 mL. After realizing his mistake, the man notified his pharmacist and physician and was taken to an emergency room where his stomach was pumped. The second (Ref. 2) involved an elderly male (age not given) who consumed 300 mL of sodium phosphate/sodium biphosphate oral solution in preparation for a barium enema and experienced intestinal distress. The third (Ref. 5) was from a physician who instructed a patient to ingest 180 to 240 mL of sodium phosphate/sodium biphosphate enema solution in preparation for a colonoscopy (no details were given regarding the patient's response to this dose). The report stated that the enema was administered orally because the physician believed that the enema could be used instead of the oral solution. The fourth (Ref. 6) involved an elderly woman (age not given) who had consumed 120 mL of sodium phosphate/sodium biphosphate oral solution for treatment of constipation. After 1 hour, she did not obtain her desired laxation effect and she took another dose of 120 mL. She required hospitalization for treatment of an episode of calcium tetany.

Other reports of death have appeared in the literature. McConnell (Ref. 7) reported the death of a 48-year-old female who ingested sodium phosphate/sodium biphosphate oral solution daily in large doses. (The container size was not provided in the report.) The patient developed severe hypotension, became semicomatose, and did not respond to replacement electrolyte therapy for treatment of hypocalcemia and hyperphosphatemia. Postmortem examination of the lungs revealed congestion and edema. Although the kidneys showed hydropic degeneration of the renal tubules, it was unclear whether this lesion was present before the episode or was an organ complication from the overdosage of the laxative solution. Wiberg, Turner, and Nuttall (Ref. 8) reported a similar case of death caused by sodium phosphate/sodium biphosphate oral solution. A male patient with a previously normal serum calcium was admitted to the hospital for treatment of hypocalcemia after taking sodium phosphate/sodium biphosphate oral solution to clean the bowel of fecal material in preparation for a barium enema. However, the dose of the laxative was not provided. As a consequence of the electrolyte imbalance, the patient developed seizures and subsequently contracted aspiration pneumonia and soon died.

III. The Agency's Tentative Conclusions on Container Size Limitations for Sodium Phosphate/Sodium Biphosphate Oral Solution

Sodium phosphate/sodium biphosphate oral solution is considered safe when taken in the recommended dosage. The 45-mL and 90-mL container sizes are often recommended and prescribed by physicians for bowel cleansing purposes prior to surgery and diagnostic procedures of the colon. However, consumer and health professional confusion with resulting deaths have occurred as the result of the availability of a 240-mL container size. Unfortunately, life-threatening and fatal adverse reactions have occurred following inappropriate or erroneous ingestion of large amounts of this product. Following an overdose, particularly in the elderly, a high likelihood exists for hypernatremia (excessive amount of sodium in the blood) and hypocalcemia (reduction of blood calcium below normal), as well as other fluid and electrolyte imbalance. The reported cases (Refs. 2 through 6) illustrate the serious and acute serum electrolyte imbalances created by ingestion of large amounts of a sodium phosphate/sodium biphosphate oral solution. Phosphorus-calcium imbalances are aggravated by the copious colonic secretion of water, and are usually associated with a concomitant secretion of potassium. The secondary severe hypocalcemia may lead to heart block and tachyarrhythmias, which may cause sudden death.

The agency tentatively concludes that the OTC availability of the 240-mL container of sodium phosphate/sodium biphosphate oral solution creates a potential safety risk, particularly for elderly persons who are likely to use the product for bowel cleansing prior to surgery or a diagnostic procedure involving the colon. Because of the reported cases of accidental overdosing and the confusion that has occurred between 240-mL and 90 mL container sizes, the agency concludes that the 240-mL-size container of sodium phosphate/sodium biphosphate oral solution should no longer remain in the OTC marketplace. In the interest of safety, the agency is proposing to limit the maximum OTC container size for this product to 90 mL.

Based on the above, the agency is proposing to add new § 334.25 *Package size limitation* to the tentative final monograph. This new section will limit

the OTC containers of sodium phosphate/sodium biphosphate oral solution to a maximum of 90 mL. This container size will provide enough laxative to use for bowel cleansing prior to surgery or a diagnostic procedure involving the colon. Manufacturers will continue to be able to market a 45-mL container.

The agency proposes that any final rule that may issue based upon this proposal become effective 30 days after the date of publication of the final rule in the **Federal Register**. However, the agency does not believe that manufacturers should delay implementation until the OTC laxative drug products rulemaking is completed. Manufacturers of OTC laxative drug products are encouraged to comply voluntarily as soon as possible after the date of publication of this proposal.

The agency is currently aware of only one major trade product of sodium phosphate/sodium biphosphate oral solution available for OTC use. The manufacturer of this product recently ceased manufacture and shipment and instituted a market withdrawal of its 240-mL-size container of this product (Ref. 9). The agency is not currently aware of any other manufacturers with sodium phosphate/sodium biphosphate oral solution products in the marketplace. However, any other manufacturers of these products in container sizes greater than 90 mL are encouraged to also voluntarily cease manufacture and shipment and to withdraw them from the marketplace at this time.

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

References

(1) "Physicians' Desk Reference," 47th ed., Medical Economics Co., Inc., Montvale, NJ, p. 1021, 1993.

(2) C. B. Fleet Co., "Phospho-Soda Complaints," January 8, 1987 to January 3, 1991, copy in OTC vol. 090TFM3, Docket No. 78N-036L, Dockets Management Branch.

(3) C. B. Fleet Co., "Product Complaint Record No. 6675," March 4, 1993, copy in OTC vol. 090TFM3.

(4) United States Pharmacopeia (USP), "Drug Problem Reporting Program No. 16921," March 31, 1993, copy in OTC vol. 090TFM3.

(5) C. B. Fleet Co., "Product Complaint Record No. 6337," July 21, 1992, copy in OTC vol. 090TFM3.

(6) C. B. Fleet Co., "Product Complaint Record No. 6753," April 21, 1993, copy in OTC vol. 090TFM3.

(7) McConnell, T. H., "Fatal Hypocalcemia from Phosphate Absorption from Laxative Preparation," *Journal of the American Medical Association*, 216:147–148, 1971.

(8) Wiberg, J. J., G. G. Turner, and F. Q. Nuttall, "Effect of Phosphate or Magnesium Cathartics on Serum Calcium," *Archives of Internal Medicine*, 138:1114–1116, 1978.

(9) Market Withdrawal Letter from L. A. Farrar, C. B. Fleet Co., to Distributors of Fleet Phospho-soda Products, dated May 6, 1993, included in OTC vol. 090TFM3.

IV. The Agency's Proposal for a Warning

The case reports clearly show that an overdose of sodium phosphate/sodium biphosphate solution can cause an electrolyte imbalance. This imbalance can cause severe reactions and result in death. Further, this imbalance could occur if an excess dose of either the oral solution or the rectal enema dosage form were used. To better protect consumers who use products containing these ingredients, the agency believes that the labeling should contain a warning alerting consumers not to exceed the recommended dose unless directed by a doctor. The agency is also including another sentence that alerts consumers that serious side effects may occur from excess dosage. Such information is currently included in the labeling of the oral dosage form of the major trade product containing sodium phosphate/sodium biphosphate solution (Ref. 1). Accordingly, the agency is proposing to add the following warning statements in § 334.58(c)(2) for products that contain phosphates identified in § 334.16(d), (e), or (f): "Do not exceed recommended dose unless directed by a doctor. Serious side effects may occur from excess dosage." Because of the dire consequences that can occur from an overdose of phosphates, the agency is proposing that these warning statements appear in boldface type as the first sentences under the heading warnings.

Reference

(1) Labeling for Fleet Phospho-soda, in OTC vol. 090TFM3, Docket No.78N–036L, Dockets Management Branch.

The agency has examined the economic consequences of this proposed rulemaking and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12866, or a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 96–354). This rulemaking for OTC laxative drug products is not expected to have an impact on small businesses. The final rule will limit the OTC container size of one laxative drug product (sodium phosphate/sodium biphosphate oral solution) to 90 mL. This container size is currently allowed in the marketplace. Larger size containers will not be allowed. The manufacturer of the only major trade product marketed in a larger-size container has already withdrawn that size product from the market. The final rule will also require the addition of warning statements to product labeling. Manufacturers are encouraged to add these warning statements at the next label printing for affected products. Manufacturers will have a number of months until a final rule becomes effective to implement this labeling. The impact of a final rule appears to be minimal, therefore, the agency concludes that this proposed rule is not a major rule as defined in Executive Order 12866. Further, the agency certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on OTC laxative drug products. Comments regarding the impact of this rulemaking on OTC laxative drug products should be accompanied by appropriate documentation. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has determined under 21 CFR 25.24(c)(6) 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.

Interested persons may, on or before May 31, 1994, submit written comments on the proposed regulation to the Dockets Management Branch (address above). Written comments on the agency's economic impact determination may be submitted on or before May 31, 1994. Three copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 334

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that

21 CFR part 334 (as proposed in the Federal Register of January 15, 1985 (50 FR 2124)) be amended as follows:

PART 334—LAXATIVE DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

1. The authority citation for 21 CFR part 334 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371).

2. Section 334.16 is amended by revising the introductory text to read as follows:

§ 334.16 Saline laxative active ingredients.

The active ingredient of the product consists of any of the following when used within the dosage limits established for each ingredient in § 334.58(d) and when packaged according to § 334.25:

* * * * *

3. New § 334.25 is added to read as follows:

§ 334.25 Package size limitation.

Due to the toxicity associated with sodium phosphate/sodium biphosphate oral solution marketed in large size containers, any product containing sodium phosphate/sodium biphosphate oral solution shall not contain more than 90 milliliters per container.

4. Section 334.58 is amended by adding new paragraph (c)(2)(iv) to read as follows:

§ 334.58 Labeling of saline laxative drug products.

* * * * *

(c) * * *

(2) * * *

(iv) *Oral and rectal dosage forms.* "Do not exceed recommended dose unless directed by a doctor. Serious side effects may occur from excess dosage." [sentences in boldface type; sentences to appear as first statements under the heading "Warnings"]

* * * * *

Dated: March 22, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7630 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 5 and 7

RIN: 1024–AC15

Glacier National Park; Revision to Special Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to revise its current regulations regarding sport fishing, the use of motorized vessels, and commercial passenger-carrying vehicles in Glacier National Park. First, the proposed rule would continue to allow fishing in most streams, rivers, and lakes in Glacier National Park, subject to closures or other conditions made by the Superintendent consistent with the park's fisheries program objectives. Second, the proposed rule would prohibit motorboat use on Kintla Lake, and place horsepower restrictions on other park lakes. Third, the proposed rule would clarify the exceptions to the prohibition regarding commercial passenger-carrying motor vehicles, and would expand the areas of the park in which these vehicles would be allowed.

DATES: Written comments will be accepted through May 31, 1994.

ADDRESSES: Comments should be addressed to: Superintendent, Glacier National Park, West Glacier, MT. 59936.

FOR FURTHER INFORMATION CONTACT: Fred Vanhorn, Protection Specialist, Glacier National Park, West Glacier, MT. 59936.

SUPPLEMENTARY INFORMATION:

Background

Fishing

The present Glacier National Park fishing regulations are codified in 36 CFR 7.3(a),(b), and (c). They permit fishing in selected waters of the park with a variety of regulations covering specific lakes and streams.

Technical fishery assistance has been provided to Glacier National Park by the U.S. Fish and Wildlife Service and its predecessors for 45 years. The present park management objectives have evolved since 1976 and are consistent with the park's primary purpose, which is to preserve natural environments and native plant and animal life, and to provide for the enjoyment of the resources by park visitors in ways that maintain natural conditions. The specific objectives of the park's fishery program are:

1. to manage the fishery as an integral part of the park's ecosystem;

2. to restore and preserve native species and aquatic habitats; and

3. to provide recreational fishing for the enjoyment of the park visitors when consistent with the two previous objectives.

Attainment of these objectives requires that angler harvests not alter native species natural replenishment rates or age structure, or significantly reduce numbers, biomass, or sizes from those occurring in un-fished populations. Protective policies of the NPS that have prevented significant degradation of the aquatic habitat have also restricted the use of maintenance stocking in park waters. Given these constraints, special angling regulations have become the primary means to accomplish park fishery objectives.

Regulations used to protect fish and maintain angling quality have included manipulating season dates, bait and terminal gear restrictions, and the use of creel limits, including catch and release. Additionally, various waters have been closed to anglers in order to protect threatened and endangered species, nesting birds, and visitors.

Because of the introduction of non-native fish in the past, the current invasion of non-native fish from outside the park, the recognition of the westslope cutthroat and bull trout as species of special concern by the State of Montana, and increased fishing in selected waters within the park, park management must be able to respond rapidly to changes that occur in a dynamic ecosystem resulting from human and natural conditions.

The proposed regulation would allow the Superintendent to meet these objectives in a timely manner by establishing a process to implement local Superintendent's orders using the discretionary authority of 36 CFR 1.5. Such orders could include restrictions or conditions on species of fish allowed for take, seasons and creel limits, methods of taking, or other conditions. This procedure will afford greater protection to the park's aquatic resources, be more responsive to public needs, and allow the park managers greater flexibility in responding to specific situations.

Public notice of conditions or restrictions established by the Superintendent would be provided through signs, maps, brochures, newspaper notices or other appropriate methods as required by 36 CFR 1.7. Detailed information pertaining to the nature and extent of fishing restrictions will be readily available to anglers in the park. Superintendent's restrictions and conditions on fishing will be reviewed at least annually and made a

part of the Superintendent's compendium. Permanent and significant closures are subject to the rulemaking requirements of 36 CFR 1.5(b) and will continue to be codified in 36 CFR 7.3.

Motorized Vessels

The present Glacier National Park regulation regarding motorboats (motorized vessels) is codified in 36 CFR 7.3(f). It limits motorboats and motor vessels to ten horsepower or less on Kintla, Bowman and Two Medicine Lakes, except for sightseeing vessels operated by an authorized concessioner on Two Medicine Lake. It also prohibits all motorboats and motor vessels on Swiftcurrent Lake, except for authorized concessioner sightseeing vessels.

The issue of motorboat use in wilderness is addressed in chapter 6:8 of the NPS Management Policies (1988) as follows:

"The Wilderness Act [Pub. L. 88–577] authorizes continuation of motorboat and aircraft use under certain circumstances where those activities were established prior to wilderness designation. The National Park Service will limit authorization for the continued use of any motorized equipment in wilderness to situations where such use has been specifically authorized by Congress and determined by Congress or the Park Service to be compatible with the purpose, character, and resource values of the particular wilderness area involved."

In 1974 the NPS prepared an "Environmental Statement/Wilderness Recommendation" for Glacier National Park which included Kintla and Bowman Lakes in recommended wilderness and indicated that if Congress designated these areas as wilderness, motorboating—a traditional activity on Kintla Lake—would be eliminated. This original recommendation was modified in 1984 to permit motorboats of up to 10 horsepower on both lakes. Congress has not yet acted on the NPS wilderness recommendation, and boats with motors up to 10 horsepower have continued to be allowed on Kintla Lake over the past 15 years. The use of motorboats on Kintla Lake and the potential impacts of continuing or prohibiting this use were assessed in the 1992 "North Fork Management Plan/Environmental Assessment", prepared by the NPS.

The 1992 plan mandates the elimination of motorboats on Kintla Lake. Kintla Lake would thus become the only road-accessible lake in the park where motorized watercraft are not permitted, and it would provide opportunities for users of non-motorized watercraft to enjoy solitude and quiet without the disruption of motor noise. An NPS patrol boat would be kept in the Kintla Lake boathouse for emergency use, with routine NPS patrols being made by non-motorized vessels.

The proposed regulations will allow the Superintendent to manage the Kintla Lake area in accordance with the 1992 North Fork Management Plan (approved May 20, 1992). The following goals and objectives, developed by the NPS to guide use and management of the North Fork, and based on public use surveys and general perceptions of the area, relate to this proposed rule:

Goal: To maintain the dynamic natural ecosystem.

Objectives: (1) To continue to manage the portion of the North Fork area that has been recommended for wilderness according to NPS wilderness management policies. (2) To maintain the quality and natural flow of park waters. (3) To minimize man-made noise.

Goal: To maintain the area's value as a wilderness threshold.

Objectives: (1) To maintain a primitive atmosphere associated with an earlier point in time and to provide facilities, services, and programs in keeping with that atmosphere. (2) To retain a sense of solitude, require a high degree of visitor self-reliance, and ensure freedom from constraint.

Goal: To provide quality, diversity, and safety in the visitor experience.

Objectives: To provide a visitor experience that is different from those in more developed and accessible parts of the park.

Public notice of the motorboat prohibition on Kintla Lake will be provided through signs, maps, brochures, and media news releases.

Commercial Passenger-Carrying Motor Vehicles

The present Glacier National Park commercial passenger-carrying motor vehicle regulations are codified in 36 CFR 5.4(a). They prohibit commercial transportation of passengers by motor vehicles except as authorized under a contract or permit from the Secretary or his authorized representative in Glacier National Park except that portion of the park road from the Sherburne entrance to the Many Glacier area. Commercial passenger-carrying motor vehicles are not currently addressed in park special regulations at 36 CFR 7.3.

Under the existing Concessions Contract (CC1430–1–0002) with Glacier Park, Inc. (GPI), GPI had the preferential right, until December 31, 1985, to provide all transportation service in Glacier with the exception of transportation on the road between Sherburne entrance and the Many Glacier area. No other commercial transportation services were allowed into the park without first entering into a trip lease agreement with GPI, thereby reimbursing GPI for the right to enter the park under the auspices of GPI's Concessions Contract. As of January 1, 1986, this preferential right was modified to reflect only a right of first refusal to provide transportation services for prearranged tour groups, unscheduled scenic tours over the portion of the Going-to-the-Sun Road between Lake McDonald Lodge and Rising Sun, and for daily scheduled public transportation service within Glacier National Park. This, in effect, allowed unscheduled scenic tours from outside the park to enter the park on the west as far as Lake McDonald Lodge, and from the east as far as Rising Sun and to the Two Medicine area as well as to the Many Glacier area.

Current CFR language requires a separate contract or permit for each tour company entering Glacier National Park. Several hundred of these tours travel to Glacier each season. These tours are unscheduled, sporadic transportation services that, in most cases, only involve transportation to and from a park facility. Requiring separate concessions contracts or permits would place an unnecessary burden on the NPS and tour operators.

The NPS proposes that § 7.3 be amended to show where and when these restrictions do not apply, and that § 5.4 be amended to correspond with this change. The proposed regulations will expand and clarify the areas where commercial passenger-carrying motor vehicle operations are allowed and assist the Superintendent in equitably and effectively managing the permitting process.

Public notice of the commercial passenger-carrying motor vehicle regulations will be provided through public notices and media news releases.

Public Participation

The policy of the NPS is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding these proposed rules to the address noted at the beginning of this proposed rule making. The public has also previously had extensive opportunity to comment on the Management Plan and Environmental Assessment for the North Fork Study Area.

Drafting Information

The primary authors of the proposed fishing regulation are Dr. Leo Marnell,

Aquatic Biologist, and William Michels, Natural Resource Specialist, Glacier National Park. The primary author of the proposed commercial vehicle regulation is Fred Vanhorn, Protection Specialist, Glacier National Park. The primary author of the proposed motorboating regulation is Roger L. Semler, Wilderness Manager, Glacier National Park.

Paperwork Reduction Act

These rules do not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

This rule was not subject to Office of Management and Budget (OMB) review under Executive Order 12866.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the NPS has determined that this proposed regulation will not have a significant economic effect on a substantial number of small entities, nor does it require preparation of a regulatory analysis.

It has been determined that this proposal does not constitute an adverse or significant action and is categorically excluded from the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.*, process. (516 DM 2, Appendix 7.4 A (10)). The rule change on motorboat regulations is addressed in the Management Plan Environmental Assessment for the North Fork Study Area, dated May, 1991, as required by the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.*, and a Finding Of No Significant Impact was signed by the Regional Director of the Rocky Mountain Region of the NPS on 5/20/92.

List of Subjects in 36 CFR Parts 5 & 7

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I, Parts 5 and 7 as follows:

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

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

Authority: 16 U.S.C. 1, 3, 9a, 17j–2, 462.

2. Section 5.4(a) is amended by revising in the first sentence the parenthetical phrase "(prohibition does not apply to that portion of the park road from the Sherburne entrance to the Many Glacier area)", to read as follows:

§ 5.4 Commercial passenger-carrying motor vehicles.

(a) * * * (prohibition does not apply to nonscheduled tours in portions of the park road as defined in § 7.3 of this chapter) * * *

* * * * *

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

4. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

5. Section 7.3 is amended by revising paragraph (a), removing paragraph (b) and redesignating paragraph (f) as new paragraph (b) and revising it, revising paragraph (c), and redesignating paragraph (g) as new paragraph (f), to read as follows:

§ 7.3 Glacier National Park.

(a) *Fishing.* (1) Fishing conditions or restrictions, based on management objectives described in the park's Resource Management Plan, are established annually by the Superintendent.

(2) The Superintendent may impose closures and establish conditions or restrictions, in accordance with the criteria and procedures of §§ 1.5 and 1.7 of this chapter, on any activity pertaining to fishing, including but not limited to species of fish that may be taken, seasons and hours during which fishing may take place, methods of taking, size, location, and possession limits.

(3) Fishing in closed waters or in violation of a condition or restriction established by the Superintendent is prohibited.

(b) *Motorized vessels.* (1) On Bowman and Two Medicine Lakes, the operation of a motorized vessel is limited to a vessel equipped with an outboard motor not to exceed 10 horsepower. On Two Medicine Lake, this restriction does not apply to sightseeing vessels operated by an authorized concessioner.

(2) On Swiftcurrent Lake, the operation of a motorized vessel, except a sightseeing vessel operated by an authorized concessioner, is prohibited.

(3) On Kintla Lake, the operation of a motorized vessel is prohibited.

(c) *Commercial passenger-carrying motor vehicles.* (1) The prohibition against the commercial transportation of passengers by motor vehicles in Glacier National Park contained in § 5.4 of this chapter shall not apply on those portions of the park roads from Sherburne entrance to the Many Glacier area; from Two Medicine entrance to Two Medicine Lake; from West Glacier entrance to the Camas Entrance; U.S. Highway 2 from Walton to Java; and the Going-to-the Sun Road from West Glacier entrance to Lake McDonald Lodge and from St. Mary entrance to Rising Sun.

(2) The operation of a motor vehicle on roads identified in paragraph (c)(1) of this section, on a general, infrequent, and nonscheduled tour in which the visit to the park is incidental to such tour, and carrying only round-trip passengers traveling from the point of origin of the tour, is allowed. Such tours shall not provide, in effect, a regular and duplicating service conflicting with, or in competition with, the tours provided for the public pursuant to contract authorization from the Secretary as determined by the Superintendent.

* * * * *

Dated: February 26, 1994.

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 94–7263 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 0E3859/R2053; FRL–4772–7]

Proposed Pesticide Tolerance for Procymidone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish a tolerance for residues of the fungicide procymidone, N-(3,5-dichlorophenyl)1,2-dimethylcyclopropane-1,2-dicarboximide, in or on the raw agricultural commodity (RAC) wine grapes at 5.0 parts per million (ppm). This regulation to establish the maximum permissible level for residues of procymidone in or on wine grapes was requested in a petition submitted by Sumitomo Chemical Co., Ltd.

DATES: Comments, identified by the document control number, [PP 0E3859/R2053], must be received on or before April 30, 1994.

ADDRESSES: By mail, submit written comments to: Public Document and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway Arlington, VA 22202.

Information submitted as a comment concerning this document may be

claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Room. 1128 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Sidney C. Jackson, Acting Product Manager (PM) 21, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway., Arlington, VA 22202, (703) 305–6900

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 25, 1990 (55 FR 39171), EPA issued an advanced notice of proposed rulemaking (ANPR) to solicit comment on its consideration of Sumitomo's petition to establish under section 408 of the Federal, Food, Drug and Cosmetic Act, 21 U.S.C. 346a, a tolerance of 5 ppm for residues of the fungicide procymidone on grapes and to establish immediately an interim tolerance of 7 ppm to last 1 year. The Agency issued this ANPR to (1) give its preliminary assessment of the risk posed by procymidone residues in imported wine, (2) set out its options for a decision, and (3) request public comment on key scientific and policy questions raised by this petition for tolerance. After considering the comments received on the ANPR and after further review of the data submitted by Sumitomo, EPA issued a proposed rule in the **Federal Register** of February 6, 1991 (56 FR 4772), giving notice that Sumitomo Chemical Co.,Ltd., had submitted a pesticide petition, PP 0E3859, under section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 301 et seq.). This document proposed to establish a time-limited tolerance for procymidone in wine grapes grown prior to January 1, 1990 at 7 ppm. In the **Federal Register** of February 20, 1991 (56 FR 6821), EPA reissued the proposed rule in its entirety to include certain statements in the proposed rule document that were inadvertently omitted in the February 6, 1991 issuance. EPA addressed 17 comments received in response to the second proposed rule in its final rule that established a time-limited tolerance for procymidone in or on wine grapes at 7.0 ppm (56 FR 19518, published April 26, 1991). This tolerance has two conditions placed on it: (1) The tolerance will only be effective for 4 years, and (2) the tolerance will only apply to wine grapes grown in 1989 or before. Since then Sumitomo has requested that the Administrator, pursuant to section 408 (e) of the FFDCA, amend the pesticide petition to remove the restriction which allows use only on wine grapes grown before 1990 and to remove the expiration date (April 1995) for the tolerance.

This document proposes to establish a permanent tolerance for procymidone in or on wine grapes at 5.0 ppm.

The data submitted in support of this petition and all other relevant material have been evaluated. The toxicology data considered in support of the tolerance include the following:

1. *A chronic feeding and carcinogenicity study in rats.* A chronic feeding and carcinogenicity study in rats fed 0, 100, 300, 1,000, and 2,000 ppm in the diet for 104 weeks displayed a dose-related increase in the incidence of testicular interstitial cell tumors and hyperplasia at dose levels of 1,000 and 2,000 ppm, a dose-related increase in pituitary adenomas in females at dose of 1,000 and 2,000 ppm, an increased incidence of ovarian stromal hyperplasia at 2,000 ppm, hepatic cytomegaly at 1,000 and 2,000 ppm (both sexes). Systemic toxicity was noted at 300 ppm and above in the form of increased liver weights and decreased body weight gains. The No observed effect level (NOEL) was set at 100 ppm (5 mg/kg), and the Lowest effect level (LEL) at 300 ppm (15 mg/kg) based on body weight/liver effects and the low numbers of animals at these dose levels at study termination.

2. *A carcinogenicity study in mice.* A carcinogenicity study in mice fed 0, 30, 100, 300 and 1,000 ppm in the diet showed no significant compound or dose related effects for survival, body weights/body weight gains, food and water consumption or ophthalmological changes in either sex. Consistent dose related increases in liver weights were seen in both sexes. Liver cytomegaly was observed in both sexes at the highest dose tested and increases in multifocal fatty liver changes in males and diffuse fatty liver changes in females were displayed at the highest dose tested. Dose-related liver cytologic alterations were also noted in males at the 52–week interim sacrifice. Hepatocellular adenomas and combined hepatocellular adenomas/carcinomas were increased in female mice. Hepatoblastomas, a rare variant of hepatocellular carcinoma was increased in male mice.

3. *A developmental toxicity study in rats by oral gavage at dose levels of 0, 3.5, 12.5, 125 and 500 mg/kg/day.* Maternal toxicity was observed at 125 mg/kg/day and above as increased clinical observations, lower body weight gain, decreased food consumption and efficiency. Developmental toxicity was noted at 12.5 mg/kg/day and above as reduced anogenital distance in males. Reproductive toxicity was at 12.5 mg/kg/day and above as decreased anogenital distance in the male pups at postpartum day 1 and 21, an increase in the number of male rats with undescended testes, increased incidences of hypospadias with severity of the hypospadias increased with increasing dose, distended preputial gland, decreased testis and prostate weights. Female pups were relatively unaffected. Maternal NOEL = 12.5 mg/kg/day; Maternal LOEL = 125 mg/kg/day; Developmental Toxicity NOEL = 3.5 mg/kg/day; Developmental LOEL = 12.5 mg/kg/day; Reproductive Toxicity NOEL = 12.5 mg/kg/day; Reproductive LOEL = 125 mg/kg/day.

4. *A developmental toxicity study in rabbits with dose levels at 0, 30, 150, 750 and 1,000 mg/kg/day.* No treatment related effects were noted on maternal or developmental toxicity up to and including the highest dose tested (limit dose). Maternal NOEL > 1,000 mg/kg/day; Developmental Toxicity NOEL > 1,000 mg/kg/day.

5. *A 12 month chronic study in dogs with dose levels at 0, 20, 100, and 500 mg/kg/day.* There was no indication of toxicity at any dose level, therefore the NOEL for both sexes was 500 mg/kg/day (highest dose tested); a LOEL was not established.

6. *A reproductive toxicity study in rats with dose levels at 0, 50 ppm (= 2.5 mg/kg), 250 ppm (= 12.5 mg/kg) and 750 ppm (= 37.5 mg/kg).* Systemic toxicity was observed in adults and pups at 250 ppm and above in the form of decreased body weight gain and food consumption, increased absolute and relative liver weights in the males, testes weights and combined and adjusted testes volume, along with decreases in pup prostate and epididymal absolute and relative weights. There was evidence of macroscopic and microscopic changes in the liver and male external genitalia. The abnormalities of the external genitalia included reduced anogenital distance and hypospadias. Reproductive NOEL = 250 ppm; Reproductive LOEL = 750 ppm based on reduced fertility in males

with developmental toxicity in the form of changes in external genitalia.

7. *A Mutagenic-Ames study.* A Mutagenic-Ames study on *Salmonella* concluded that procymidone is non-mutagenic in these assays.

8. *A Mutagenic Chromosomal Aberration in vitro study.* A Mutagenic Chromosomal Aberration *in vitro* study concluded that neither activated nor nonactivated doses was clastogenic.

9. *A Mutagenic Unscheduled DNA Synthesis study.* A Mutagenic Unscheduled DNA Synthesis study in rat hepatocytes concluded that the test material was negative in this assay at doses from 3 to 300 µg/ml.

10. *Metabolism study in rats.* Excretion of procymidone derived radioactivity was relatively rapid at the single low oral dose and repeated low oral dose levels, with the urine as the major route of excretion. The rate of urinary excretion was decreased at the 250 mg/kg oral dose level. The percentage of unchanged procymidone found within feces was increased at the 250 mg/kg dose level in both sexes, supporting the idea of decreased adsorption at this dose. Highest concentrations of procymidone derived radioactivity at sacrifice were found within the liver, residual carcass, kidney, urogenital fat, epididymides, blood and lymph node of both male and female rats at the 250 mg/kg dose only. The amount of procymidone derived radioactivity found in urogenital fat was approximately 4 times higher in female than in male rats. Repeated oral dosing or a single high dose of 250 mg/kg did not significantly affect the disposition or metabolic profile of procymidone. Identification of urinary and fecal metabolites showed several oxidative metabolites of procymidone as well as minor amounts of hydroxyprocymidone glucuronide and dichloroaniline glucuronide. In feces, unmetabolized procymidone accounted for most of the radioactivity and small amounts of 4-hydroxyprocymidone, a novel metabolite not found in urine, was present also. The metabolic profile in urine was not significantly affected by repeated oral dosing or single high dosing of procymidone.

Procymidone has been classified by the HED Carcinogenicity Peer Review Committee (CPRC) as a B2 carcinogen. The B2 classification was based on the statistically significant increasing trend and pair-wise increase in interstitial cell adenomas in male rats, pituitary adenomas in female rats and liver adenomas and combined adenomas/carcinomas in female mice. Additionally, a rare variant of hepatocellular carcinoma, hepatoblastoma, had a significantly increasing trend in male mice. For the purpose of risk characterization, a low dose extrapolation model applied to the experimental animal tumor data was overwhelmingly recommended for quantification of human risk. The Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) reviewed HED's assessment of the weight of the evidence for the carcinogenic potential of procymidone. The SAP cited only the testicular tumors seen in the chronic rat study as support for a group C classification. CPRC considered SAP's evaluation and reaffirmed its original conclusion that the increased incidence of hepatocellular adenomas in female mice was treatment-related and quantification of risk was recommended again for testicular tumors in males and liver tumors in females.

The developmental and reproductive toxicity data submitted in support of the import tolerance on procymidone was also reviewed by the HED Developmental Peer Review Committee. The Committee concluded that developmental toxicity was induced in rats via the oral route of administration. The NOEL for developmental toxicity by the oral route in rats was 3.5 mg/kg/day. The NOEL for reproductive toxicity by the oral route in rats was 12.5 mg/kg/day. Maternal toxicity by the oral route was noted at 125 mg/kg/day and above. Developmental and maternal toxicity was not observed in rabbits by the oral route up to and including the highest dose tested (1,000 mg/kg/day). The NOEL for maternal toxicity by the oral route in the reproduction study was 50 ppm (2.5 mg/kg). It was recommended that the NOEL for developmental toxicity, 3.5 mg/kg/day, in the oral rat developmental study be used for assessment of acute dietary risk.

The RfD/Peer Review Committee recommended that a reference dose (RfD) be established based on a NOEL of 3.5 mg/kg/day based on the results of the rat developmental study. An uncertainty factor of 100 was recommended to account for the inter-species extrapolation and intra-species variability. Therefore, the RfD was calculated to be 0.035 mg/kg/day.

The nature of the residue is adequately understood and adequate analytical methods are available. Procymidone residues can be quantified by FDA multiresidue methods. These methods are available in the Pesticide Analytical Manual Volume I for enforcement purposes.

The U.S. population may potentially be exposed to procymidone and its potentially toxic metabolite DCA as a result of residues being present in imported wine. The upper bound carcinogenic risk is estimated to be 4.0×10^{-6} for a high consumer (daily consumption of 8 oz wine) and 3.8×10^{-7} for an average consumer (consumption of 4 oz of wine every 5 3 days. This risk assessment assumed that use of procymidone would result in residues of 2.4 ppm of procymidone and DCA in wine. The risk assessment took into account that only imported wine could contain procymidone and DCA and that only a portion of imported wine was manufactured from procymidone treated grapes. The percent RfD utilized by high consumers would be 0.7 percent, and 0.06 percent by low consumers. The margin of safety (MOS) for developmental effects, assuming high consumption only, would be 370. A MOS of 100 is typically acceptable.

It is expected that actual residues of procymidone and DCA in wine will be present at levels much lower than 2.4 ppm as used in the risk estimates, based on available Food and Drug Administration monitoring data. Therefore, the risk estimates provided here adequately consider the toxicity of both procymidone and DCA.

The pesticide is considered useful for the purposes for which the tolerance is sought. Based on the above information considered by the Agency, the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under FIFRA, as amended, which contains any of the ingredients listed herein, may request within 30 calendar days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with FFDCA section 408(e).

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 0E3859/R2053]. All written comments filed in response to this petition will be available in the Public Docket and Freedom of Information Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB)). Under

section 3(f), the order defines "significant regulatory action" as action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

The Office of Management and Budget has exempted this rule from review under section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub.L.96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerances levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, agricultural commodities, Pesticides and pest, Reporting and recordkeeping requirements.

Dated: March 28, 1994.

Stephen L. Johnson,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.455 is amended by revising the table therein to read as follows:

§180.455 Procymidone; tolerances for residues.

* * * * *

Commodity	Parts Per Million
Wine grapes	5.0

* * * * *

[FR Doc. 94–7848 Filed 3–29–94; 3 12 pm]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–4855–2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Wide Beach Development site from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces its intent to delete the Wide Beach Development site from the National Priorities List (NPL) and requests public comment on this action. The NPL is appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that no further cleanup by responsible parties is appropriate under CERCLA. Moreover, EPA and the State have determined that CERCLA activities conducted at the Wide Beach Development site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the deletion of the Wide Beach Development site from the NPL may be submitted on or before April 30, 1994.

ADDRESSES: Comments concerning the deletion of the Wide Beach Development site from the NPL may be submitted to: Herbert H. King, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, room 29–100, New York, NY 10278.

Comprehensive information on the Wide Beach Development site is contained in the EPA Region II public docket, which is located at EPA's Region II office (room 2900), and is available for viewing, by appointment only, from 9 a.m. to 5 p.m., Monday through Friday, excluding holidays. For further information, or to request an appointment to review the public docket, please contact Mr. King at (212) 264–1129.

Background information from the Regional public docket is also available for viewing at the Wide Beach Development site's Administrative Record repository located at: Brant Town Hall, North Collins Road, Brant, NY 14027.

SUPPLEMENTARY INFORMATION:

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I. Introduction.
II. NPL Deletion Criteria.
III. Deletion Procedures.
IV. Basis for Intended Site Deletion.

I. Introduction

EPA Region II announces its intent to delete the Wide Beach Development site from the NPL and requests public comment on this action. The NPL is appendix B to the NCP, which EPA promulgated pursuant to section 105 of CERCLA, as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (the "Fund"). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions, if conditions at such site warrant action.

EPA will accept comments concerning the Wide Beach Development site until April 30, 1994.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Wide Beach Development site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425 (e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with the State, will consider whether any of the following criteria have been met: 1. That responsible or other persons have implemented all appropriate response actions required; or

2. All appropriate Fund-financed responses under CERCLA have been implemented, and no further cleanup by responsible parties is appropriate; or

3. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking remedial measures is not appropriate.

III. Deletion Procedures

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist agency management.

The following procedures were used for the intended deletion of the Wide Beach Development site:

1. EPA Region II has recommended deletion and has prepared the relevant documents.

2. The State of New York has concurred with the deletion decision.

3. Concurrent with this Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This notice announces a thirty (30) day public comment period on the deletion package starting on April 1, 1994 and concluding on April 30, 1994.

4. The Region has made all relevant documents available in the regional office and the local site information repository.

EPA Region II will accept and evaluate public comments and prepare a Responsiveness Summary which will address the comments received, before a final decision is made. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions.

If, after consideration of these comments, EPA decides to proceed with deletion, the EPA Regional Administrator will place a Notice of Deletion in the **Federal Register**. The NPL will reflect any deletions in the next update. Public notices and copies of the Responsiveness Summary will be made available to the public by EPA Region II.

IV. Basis for Intended Site Deletion

Site History and Background

The Wide Beach Development, incorporated in 1920, is a small lake-side community with 60 residential homes situated on about 55 acres. The site is located in the Town of Brant, Erie County, New York.

Between 1964 and 1978, about 41,000 gallons of waste oil, some of which was contaminated with polychlorinated biphenyls (PCBs), were applied to local roadways for dust control. In 1980, the installation of a sanitary sewer line in the community resulted in the excavation of highly contaminated soils from the roadways. Surplus excavated soil was used as fill in several residential yards.

An investigation of an odor complaint in 1981 by the Erie County Department of Environment and Planning led to the discovery of 19 drums in a wooded area at the Wide Beach Development community. Two of these drums contained PCB-contaminated waste oil. Subsequent sampling indicated the presence of PCBs in the air, roadway and yard soils, vacuum cleaner dust from the homes, and in water samples from private wells.

The site was included on the NPL in September 1983, primarily because of the potential for exposure of the community to PCBs in air-carried dust, surface water and groundwater.

An RI/FS was conducted by a New York State Department of Environmental Conservation (NYSDEC) contractor during 1984 and 1985 to determine the nature and extent of the contamination at and emanating from the site, to assess the threat the site poses to public health and the environment, and to develop and evaluate various alternatives to remediate the site. The RI concluded that: (1) PCBs, specifically Aroclor 1254, were the primary contaminants at the site; (2) surficial soils in the roadways, drainage ditches, driveways and front yards of lots bordering the roadways were highly contaminated with PCBs (up to 1,000 parts per million (ppm)); (3) contamination of drinking water wells was sporadic and, when detected, was in the parts per billion range; (4) observation wells screened in the sanitary sewer trench were the most contaminated; (5) surface water transport was the most important route of migration; (6) on-site soils would act as a long-term source of PCBs; and (7) routes of human exposure to PCBs include ingestion of contaminated vegetables, ingestion of soil, inhalation and dermal absorption.

In 1985, in response to the levels of PCB contamination found in the homes during the RI at the site, EPA performed an immediate removal action including. (1) Paving of the roadways, drainage ditches, and driveways to prevent further exposure of the public via the dust and runoff routes; (2) decontamination of the homes by rug shampooing, vacuuming, and replacement of air conditioner and furnace filters; and (3) protection of individual private wells by the installation of particulate filters. The immediate removal action addressed the immediate threat to public health.

A Record of Decision (ROD), signed on September 30, 1985, selected as a long-term remedial measure for the site, among other things, excavation and chemical treatment of about 37,600 cubic yards of PCB-contaminated soils (above 10 ppm) from the site's roadways, drainage ditches, driveways, yards, and wetlands. The remedial design (RD), which included treatability studies related to the chemical treatment process, was completed in February 1989. The remedial action (RA) was completed in June 1993.

Summary of Operation and Maintenance and Five-Year Review Requirements

There are no operational requirements since all remediation activities have been completed. A three-year maintenance plan is required for the wetland restoration component of the remedy. The contractor is required to perform an annual inspection and submit a report on the survival rates of the various plantings. Any dead trees, shrubs, herbs, or grass in excess of 15% will be replaced by the contractor.

Because the implemented remedy does not result in hazardous substances remaining on-site above health-based levels, the five-year review does not apply.

Summary of How the Deletion Criteria Has Been Met

Based upon the results of RA sample analyses, the site meets the requirements set forth in the ROD pertaining to PCB-contaminated soil, in that any soil that was found on-site that was contaminated with 10 ppm or higher of PCBs was excavated and treated to reduce the concentration of PCBs to 2 ppm or less. This level is protective of public health, welfare, and the environment.

EPA and the State have determined that the response actions undertaken at the Wide Beach Development site are protective of human health and the environment.

In accordance with 40 CFR 300.425 (e), sites may be deleted from the NPL where no further response is appropriate. EPA, in consultation with the State, has determined that all appropriate responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Having met the deletion criteria, EPA proposes to delete the Wide Beach Development site from the NPL.

Dated: March 16, 1994.

William J. Muszynski, P.E.,

Acting Regional Administrator.

[FR Doc. 94–7400 Filed 3–30–94; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 94–06]

Financial Responsibility Requirements for Nonperformance of Transportation

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rule.

SUMMARY: The Federal Maritime Commission proposes to remove the $15 million unearned passenger revenue ("UPR") ceiling now applicable to passenger vessel financial responsibility requirements for nonperformance of transportation, because some vessel operators now have UPRs significantly exceeding $15 million. The Commission also proposes to revise the current UPR sliding scale accordingly—and to require coverage of 110 percent of UPR up to $25 million per operator, with coverage of 90 percent of UPR for amounts exceeding $25 million. Comment is also sought on an alternative proposal to require coverage of 110 percent of UPR up to $25 million per operator; 75 percent of UPR between $25 million and $50 million per operator; and 50 percent coverage for UPR over $50 million per operator. Additionally, the Commission proposes to remove self-insurance as an option for section 3 coverage (except for state or federal entities). Existing self-insured commercial operators would be provided one year following the effective date of any final rule in this matter to obtain other evidence of financial responsibility. These changes are deemed necessary to ensure that cruise passengers are adequately protected in the event of nonperformance of transportation.

DATES: Comments due on or before May 2, 1994.

ADDRESSES: Send comments (original and 20 copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol St., NW., Washington, DC 20573, (202) 523–5796.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission ("Commission" or "FMC") administers section 3, Public Law 89–777, 46 U.S.C. app. 817e ("Section 3"). Section 3 requires certain passenger vessel operators ("PVOs") to establish financial responsibility for nonperformance of transportation.[1] The Commission's regulations implementing Section 3, contained in 46 CFR part 540, subpart A, generally provide that a PVO may evidence its financial responsibility by one or more of the following methods: A guaranty, escrow arrangement, surety bond, insurance or self-insurance. The amount required must equal 110 percent of the PVO's highest UPR over a two-year period.[2] The maximum coverage amount currently required is $15 million, subject to the following sliding scale:[3]

Unearned passenger revenue ("UPR")	Required coverage
$0–$5,000,000	100% of UPR up to $5,000,000.
$5,000,001 to $15,000,000.	$5,000,000 plus 50% of excess UPR over $5,000,000 subject to an overall maximum of $5,000,000 per vessel.
$15,000,001 to $35,000,000.	$10,000,000 plus 25% of excess of UPR over $15,000,000 subject to an overall maximum of $5,000,000 per vessel and a $15,000,000 overall maximum.
Over $35,000,000	$15,000,000 overall maximum.

The Commission monitors activity of PVOs who are subject to Public Law 89–777 and by rule requires semiannual UPR reports.[4] Additionally, the Commission periodically surveys PVOs' future U.S. cruise schedules and fare structures.

Developments since our most recent actions in Dockets Nos. 92–19 and 92–50[5] have prompted us to reconsider existing UPR coverage requirements with regard to the sliding scale, the ceiling and self-insurance. One development concerns the involuntary bankruptcy of American Hawaii Cruises ("American Hawaii"). Another is the extent to which some PVOs' UPR now exceeds the current $15 million ceiling.

Further, with regard to self-insuring PVOs that are not state or federal entities, the Commission is concerned that sufficient funds may not be available to indemnify passengers for nonperformance of transportation.

While American Hawaii's vessels operated without disruption in their transition to new ownership, if American Hawaii's required level of financial responsibility had been based on the existing sliding scale formula, no more than a total of $10 million in UPR coverage would have been required for UPR amounts up to $35 million for its two vessels; and no more than $15 million in coverage would have been required had its UPR exceeded $35 million.

[1] Section 3 provides, in pertinent part:

(a) No person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for fifty or more passengers and which is to embark passengers at United States ports without there first having been filed with the Federal Maritime Commission such information as the Commission may deem necessary to establish the financial responsibility of the person arranging, offering, advertising, or providing such transportation, or, in lieu thereof, a copy of a bond or other security, in such form as the Commission, by rule or regulation, may require and accept, for indemnification of passengers for nonperformance of the transportation.

[2] UPR is defined under 46 CFR 540.2(i) as:

* * * that passenger revenue received for water transportation and all other accommodations, services, and facilities relating thereto not yet performed.

[3] The Commission, in Docket No. 92–19, Revision of Financial Responsibility Requirements for Non-Performance of Transportation, amended 46 CFR Part 540, Subpart A, to (1) institute this sliding scale formula for determining the amount of financial responsibility coverage required for operators meeting certain requirements; (2) exclude, under certain conditions, revenue from "wholeship" arrangements from being considered UPR; and (3) publish a suggested form escrow arrangement as a guideline for the industry (57 FR 51887 (September 14, 1992)).

[4] 46 CFR 540.9(h) provides, in pertinent part:

Every person who has been issued a Certificate (Performance) must submit to the Commission a semiannual statement of any changes that have taken place with respect to the information contained in the application or documents submitted in support thereof. Negative statements are required to indicate no change. Such statements must cover every 6-month period of the fiscal year immediately subsequent to the date of the issuance of the Certificate (Performance), and include a statement of the highest unearned passenger revenue accrued for each month in the 6-month reporting period. In addition, the statement will be due within 30 days after the close of every such 6-month period.

[5] Financial Responsibility Requirements for Nonperformance of Transportation—Revision of Self-insurance Qualification Standards, Final Rule (57 FR 62749 (December 31, 1992)).

Some PVOs' UPR now greatly exceeds the current $15 million ceiling—in some instances by a factor of several times the current ceiling. In aggregate, there is about $300 million in coverage presently on file for what we estimate to be $1 billion in UPR subject to Public Law 89–777, leaving some $700 million in UPR without Section 3 coverage.

The foregoing raises concern with regard to the increased exposure to risk of the travelling public's deposits and prepaid fares in the event that a PVO holding UPR levels above the current ceiling defaults, possibly leaving passengers unprotected and subject to financial losses. The Commission therefore proposes to remove the $15 million ceiling in 46 CFR 540 9(j)—and revise the sliding scale in section 540.5(e)—to require coverage for UPR over and above the present ceiling. The Commission proposes to amend section 540.5 to require coverage of 110 percent of UPR up to $25 million per operator, and coverage of 90 percent of UPR for amounts exceeding $25 million. Comment is requested on the alternative of requiring 110 percent coverage for up to $25 million in UPR per operator; coverage of 75 percent for UPR between $25 million and $50 million per operator; and 50 percent coverage for UPR over $50 million per operator.

Given its clear Section 3 responsibilities and obligations, the Commission needs to address the amount of UPR subject to Section 3 which is not presently covered by evidence of financial responsibility under the Commission's rules. The Commission's proposals detailed above represent two approaches to that end. However, if the PVO industry or another interested party has an alternative proposal to ensure adequate financial responsibility coverage for UPR subject to section 3, we invite their suggestions.

The Commission's monitoring and review of PVO coverage issues in general indicates a need for the Commission to reconsider the acceptability of self-insurance for section 3 coverage with regard to PVOs that are not state or federal entities. Our examination of self-insurance standards reveals a vulnerability which appears to provide inadequate protection in the case of commercial PVOs. Presently, only net worth at 110 percent of the highest UPR over the past two years must be maintained. The Commission is concerned that, in the event of a default, other interests with potentially superior claims on a PVO's assets—e.g., a vessel's crew, shipyards, provisioners, mortgage holders—would reduce the assets ultimately available to indemnify nonperformance to a level far below the PVO's actual UPR. Even if the Commission were to reinstate its former requirement that self-insurers evidence net worth and working capital, each in an amount no less than 110 percent of the greatest amount of UPR over the preceding two years, sufficient assets might still not be readily available to make whole the travelling public in the event of a default. These concerns do not, however, appear to militate against accepting state or federal entities as self-insurers.

While the Proposed Rule would discontinue self-insurance for commercial entities, it would permit commercial operators who are presently self-insured to remain so for one year following the effective date of any final rule in this proceeding. At that time, self-insuring commercial PVOs would be required to provide other evidence of financial responsibility.

Proposed amendments to Form FMC–131, Part II, will conform the Commission's Application for Certificate of Financial Responsibility to reflect the amendments contemplated in the proposed rule.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small governmental organizations. The passenger vessel operators impacted by the rule are generally not small businesses.

This proposed rule does not impose any additional reporting requirements from those previously approved by OMB under section 3504(h) of the Paperwork Reduction Act of 1980, as amended.

List of Subjects in 46 CFR Part 540

Insurance, Maritime carriers, Penalties, Reporting and recordkeeping requirements, Surety bonds, Transportation.

Therefore, pursuant to 5 U.S.C. 553; section 3, Public Law 89–777, 80 Stat. 1356–1358 (46 U.S.C. app. 817e); section 43 of the Shipping Act, 1916 (46 U.S.C. app. 841a); and section 17 of the Shipping Act of 1984 (46 U.S.C. app. 1716), the Federal Maritime Commission proposes to amend part 540 of title 46 of the Code of Federal Regulations as follows:

PART 540—[AMENDED]

1. The authority citation to part 540 continues to read as follows:

Authority: 5 U.S.C. 552, 553; secs. 2 and 3, Pub. L. 89–777, 80 Stat. 1356–1358 (46 U.S.C. app. 817e, 817d); sec. 43 of the Shipping Act, 1916 (46 U.S.C. app. 841a); sec. 17 of the Shipping Act of 1984 (46 U.S.C. app. 1716).

2. The first sentence of § 540.5 introductory text and § 540.5(d) introductory text are revised to read as follows:

§ 540.5 Insurance, guaranties, escrow accounts, and self-insurance.

The amount of coverage required under this section and § 540.6(b) shall be in an amount determined by the Commission to be no less than 110 percent of the unearned passenger revenue of the applicant on the date within the 2 fiscal years immediately prior to the filing of the application which reflects the greatest amount of unearned passenger revenue according to the following schedule:

If Unearned passenger revenue ("UPR") is:	*Required coverage is*
0-$25,000,000	10% of UPR.
Over $25,000,000 .	110% of UPR up to $25,000,000; 90% of UPR over $25,000,000.

* * *

* * * * * *

(d) For state or federal entity vessel operators, filing with the Commission for qualification as a self-insurer such evidence acceptable to the Commission as will demonstrate continued and stable passenger operations over an extended period of time in the foreign or domestic trade of the United States. Commercial (i.e., non state or federal) vessel operators will no longer qualify as self-insurers. However, for a period expiring [date one year after the effective date of the Final Rule], the Commission will continue to permit self-insurance for commercial vessel operators which were accepted by the Commission on January 1, 1994, and which continue to submit the following:

* * * * *

§ 540.5 [Amended]

3. In section 540.5, paragraph (e) is removed, and paragraph (f) is redesignated as paragraph (e).

§ 540.9 [Amended]

4. In section 540.9, paragraph (j) is removed, and paragraph (k) is redesignated as paragraph (j).

Subpart A—[Amended]

5. In subpart A, Form FMC–131, Part II—Performance, is amended by removing the second sentence of the

introductory paragraph and removing and reserving paragraph No. 8.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 94–7647 Filed 3–30–94; 8.45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 219 and 252

Defense Federal Acquisition Regulation Supplement; Joint Ventures

AGENCY: Department of Defense (DoD).

ACTION: Withdrawal of proposed rule.

SUMMARY: The rule, published December 1, 1992 (57 FR 56895), which proposed revisions to the Defense Federal Acquisition Regulation Parts 219 and 252 to incorporate policy on eligibility of joint ventures for small disadvantaged business evaluation and award preferences is hereby withdrawn. This action is based on the United States Court of Federal Claims decision Number 93–738, Filed February 18, 1994 (Y.S.K. Construction Company versus The United States).

FOR FURTHER INFORMATION CONTACT: Ms. Alyce Sullivan, telephone (703) 604–5930.

SUPPLEMENTARY INFORMATION: The Defense Acquisition Regulations Council, under DAR Case 91–054, proposed a revision to the Defense FAR Supplement in December 1992 that addressed the eligibility of joint ventures for small disadvantaged business evaluation and award preferences. After a review of the United States Court of Federal Claims decision Number 93–738, the DAR Council has agreed to withdraw the proposed rule from further consideration. The court found that DoD is without authority to address whether joint ventures are small disadvantaged businesses, that the Small Business Administration has this authority. Therefore, the proposed rule published on December 1, 1992 (57 FR 56895) is hereby withdrawn.

Claudia L. Naugle,

Deputy Director, Defense Acquisition Regulations Council

[FR Doc. 94–7638 Filed 3–30–94; 8·45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

[I.D. 032294B]

Stone Crab Fishery of the Gulf of Mexico; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene four public hearings on Draft Amendment 5 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico. Amendment 5 proposes: to establish a moratorium on registration of commercial vessels for up to 4 years to establish compatibility with a Florida statute implementing a moratorium on permits; and provide a framework measure under which rules adopted by Florida can be implemented in the exclusive economic zone by regulatory amendment approved by NMFS. Under the measure, Florida will hold public hearings and provide NMFS and the Council with the administrative record.

DATES: Written comments on the proposed amendment must be received by April 29, 1994. The hearings are scheduled from 7:00 p.m. to 10:00 p.m. as follows: Monday, April 18, 1994, in Marathon, FL; Tuesday, April 19, 1994, in Naples, FL; Wednesday, April 20, 1994, in Crystal River, FL; and Thursday, April 21, 1994, in Tallahassee, FL.

ADDRESSES: Comments should be addressed to Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609; FAX: 813–225–7015. The hearings will be held at the following locations:

1. Marathon, FL—Regional Service Center, State Building, Suites 104 & 105, 2796 Overseas Highway (U.S. Highway 1), Marathon, FL.

2. Naples, FL—Naples Depot Civic Center, 1051 5th Avenue South, Naples, FL.

3. Crystal River, FL—Plantation Inn and Golf Resort, 9301 West Fort Island Trail, Crystal River, FL.

4. Tallahassee, FL—La Quinta Inn-South, 2850 Apalachee Parkway (U S. Highway 27 South), Tallahassee, FL.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, 813–228–2815.

SUPPLEMENTARY INFORMATION: These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Julie Krebs (see ADDRESSES) 5 working days prior to the applicable meeting.

Dated: March 25, 1994

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management National Marine Fisheries Service.

[FR Doc. 94–7601 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 59, No. 62
Thursday, March 31, 1994

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 25, 1994.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension; or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8); Name of telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

- Farmers Home Administration

7 CFR 1944–A, Section 502 Rural Housing Loan Policies, Procedures, and Authorizations
FmHA 410–4, 1910–5, 440–34, 1944–3, 4, 5, 6, A5, 12, 36, 410–7, 1944–B6
On occasion
Individuals or households; Business or other for-profit; Small businesses or organizations; 2,199,105 responses; 1,295,536 hours
Jack Holston, (202) 720–9736

- Food and Nutrition Service

WIC Farmers' Market Nutrition Program Recordkeeping; Annually
Individuals or households; State or local governments; Farms; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 261 responses; 6,607 hours
Debra Utting, (703) 305–2730

- Farmers Home Administration

7 CFR 1951–S, Farmer Programs Account Servicing Policies
FmHA 1951–39, 39A
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; Small businesses or organizations; 25,720 responses; 2,064 hours
Jack Holston, (202) 720–9736

Extension

- Foreign Agricultural Service

Application for Dairy Product Import Licenses Under Section 22
FAS–922, FAS–923, FAS–923A, FAS–923B
Annually
Individuals or households; Businesses or other for-profit; Federal agencies or employees; 800 responses; 635 hours
Richard P. Warsack, (202) 720–1342

New Collection

- Food and Nutrition Service

WIC Infant Feeding Practices Study
On occasions
Individuals or households; 7,572 responses; 2,140 hours
Patricia McKinney, (703) 305–2115

Larry K. Roberson,

Deputy Department Clearance Officer.

[FR Doc. 94–7602 Filed 3–30–94; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Santa Fe National Forest, Sandoval County, NM; El Cajete Pumice Mining

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Santa Fe National Forest will prepare an Environmental Impact Statement (EIS) on a proposal to mine pumice on National Forest System land.

DATES: Comments in response to this NOI concerning the proposal or scope of the analysis should be received within 2 weeks of publication of this NOI in the **Federal Register.** Comments on the Draft EIS, planned for release in the summer of 1994, will be received during a 45-day comment period, prior to making a decision on the proposal.

ADDRESSES: Send written comments to John Peterson, Jemez District Ranger, POB 98, Jemex Springs, NM 87025.

FOR FURTHER INFORMATION CONTACT: Bob Crostic, Project Coordinator, Jemez Ranger District, POB 98, Jemez Springs, NM 87025.

RESPONSIBLE OFFICIAL: Alan S. Defler, Forest Supervisor, Santa Fe National Forest.

SUPPLEMENTARY INFORMATION: Copar Pumice Company of Espanola, New Mexico, has submitted a proposed Plan of Operations under 36 CFR part 228(A) to surface mine one million tons of pumice on mining claims over a 10 year period beginning in the fall of 1994. The proposed 135 acre El Cajete Pumice Mine will be located within the Jemez National Recreation Area of the Santa Fe National Forest in T.18 N., R.3 E., Section 1 and T.18 N., R.4 E., Section 3, N.M.P.M.

The proposed mine would involve the removal and sale of forest trees and vegetation, stripping and stockpiling of topsoil and overburden, removing pumice and then reclaiming the land. A screening plant would be used to sort out the common variety pumice for use in reclamation of the mined area. Large each moving equipment would be used to mine and reclaim the site. Semi-trucks would haul the pumice on State Road 4 to Copar's mills in San Ysidro, Cuyamungue and Espanola, New Mexico. As mining progresses, wasted overburden and common variety pumice would be used to backfill and recontour the mined area. Topsoil would be replaced over the reclaimed area and grass and conifer seedlings would be planted to restore, to the extent practicable, the site's pre-mining conditions.

Copar's proposed Plan of Operation will be considered along with other mining alternatives with various stipulations, and a "no action" alternative. All alternatives will be in compliance with the Forest Plan, Jemez National Recreation Area legislation and all applicable environmental laws and policies.

Public participation will be fully incorporated into preparation of the EIS. Preliminary scoping for the proposal

began in April 1992 when the landowners in the Vallecitos de los Indios and Sierra Los Pinos subdivisions petitioned the Chief of the Forest Service to withdraw the landowners watershed area from mining. A petition with 172 signatures of landowners was presented. A meeting was also held with landowner representatives October 20, 1992. On October 30, 1992 nearly 300 residents, individuals, groups and government agencies were contacted by letter requesting their concerns and notifying them of a scheduled field trip. About 36 people provided written responses and 34 people attended a November 7, 1993 field trip.

Thus far, scoping for public concerns has resulted in the following preliminary issues: What will be the effects of the proposed mining operation on: Mineral rights?; Dust production related to air quality?; Noise?' Surface water and ground water?; Wetlands, Canada Bonito Spring and Intermittent streams?; Public safety?; Excessive wear and tear of Highway 4 and impacts to other highway users?; Residential property values?; Deforestation and soil erosion?; Heritage resources such as Native American traditional uses?; Recreation opportunities and experiences, and Jemez National Recreation Area values?; Visual quality such as scenery viewed from Trail 137 and Highway 4?; Wildlife and plant habitat including threatened and endangered species?; Root rot experiment area and the long-term research?; The economy?

The 45-day comment period on the Draft EIS will begin when the Notice of Availability appears in the **Federal Register**. A Record of Decision will be prepared and filed with the Final EIS.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553, 1978). Also, environmental objections that could be raised at the Draft EIS stage may be waived if not raised until after completion of the Final EIS (*City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022, 9th Cir. 1988 and *Wisconsin Heritages, Inc.* v. *Harris*,, 490 F. Supp. 1334, 1338, E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final EIS.

Dated: March 1, 1994.

Alan S. Defler,

Forest Supervisor, Santa Fe National Forest.

[FR Doc. 94–7589 Filed 3–30–94; 8:45 am]

BILLING CODE 3410–11–M

Charlie Tyson Project, Idaho Panhandle National Forests, St. Maries Ranger District, Benewah County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the Forest Service is gathering information to prepare an Environmental Impact Statement (EIS). This is proposing management activities designed to move the Charlie Tyson project area toward its desired future condition, a healthy and diverse ecosystem. Desired future condition goals specific to the project area were developed by an interdisciplinary team for the purpose of maintaining ecosystem productivity and diversity while incorporating human values and needs. The goals for this project area are listed below:

1. The first goal is to provide vegetation patterns and natural variability that include important components within the range of historic levels. Using historic vegetation patterns as a reference point, the project will strive to maintain more mature timber (80+years old) in larger patches than currently exist in the project area. To maintain historic natural variability for the project area, the project will strive to promote more canopy layers and more species components. This entails perpetuating seral tree species, subalpine fir/spruce, quaking aspen and open ridge tops with large ponderosa pine. This shift toward the historic range of vegetation patterns also entails maintaining riparian areas with stable stream channels and fish habitats supporting viable populations of desired fish species; thus the area would be fully supporting beneficial uses.

2. The second goal is to incorporate additional human values and needs by providing commercial wood products, a long range transportation plan where only essential roads for land management exist, a visually attractive landscape, a diverse array of recreational activities and maintaining existing grazing allotments. There are areas with past clearcut harvest units that detract from the visual attractiveness of the landscape; the harsh edges of these clearcuts could be softened by partial cutting. For recreation, emphasis for this area is on dispersed use and trail development; unauthorized trail use will be addressed and three historic Forest Service trails could be added to the trail system.

3. The third goal is to maintain wildlife habitats. Currently, the project area has a lack of quality security for wildlife. Activities proposed will include restricting trail and road access for various kinds of users.

It will take time to implement the desired future condition described above; proposed management activities would entail using techniques to shift the project area toward desired future condition. Management techniques would include prescribed fire, timber harvesting, road building, road use restrictions and closures, wildlife security area(s), watershed/fish habitat improvements and trail development. The Forest Service estimates that this proposed action would include: 415 acres of underburning, 2773 acres of timber harvesting (commercial thinning—1892 acres, group selection—46 acres, irregular shelterwood—381 acres, group shelterwood—403 acres, seedtree—20 acres, clearcutting—31 acres), 10.6 miles of new road construction, 1.7 road miles taken off the road system and a 6200 acre area closure to all motorized vehicles in the Charlie-Preston drainages (providing 5000 acres of wildlife security). The proposed action also entails implementing fish/watershed improvement projects in the East Fork of Charlie, Preston and Brown Creeks and adding three historic Forest Service Trails back on the trail system for maintenance.

DATES: Written comments concerning the scope of this analysis must be received May 2, 1994.

ADDRESSES: Send written comments to District Ranger, St. Maries Ranger District, P.O. Box 407, St. Maries, ID 83861.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS should be directed to Tracy J. Gravelle, St. Maries Ranger District, Phone: 208–245–2531.

SUPPLEMENTARY INFORMATION: The Charlie Tyson project area lies within Benewah County, Idaho and encompasses the Charlie Creek drainage. It is located approximately 1 air mile south of Emida, Idaho. The project area contains 18,100 acres of which approximately 14,400 acres are administered by the Forest Service. Management activities would be administered by the St. Maries Ranger

District of the Idaho Panhandle National Forests. This EIS will tier to the Forest Plan (September 1987) which provides overall guidance for the Idaho Panhandle National Forests in terms of Goals, Objectives, Standards and Guidelines, and Management Area direction.

Preliminary scoping, including public and other agency participation, was initiated in August 1991 and has recommenced this year. A public meeting for the area was held on September 4, 1991 in St. Maries, Idaho. An additional public open house was held in the town of Emida, Idaho on January 19, 1994. Two periods of time are identified for the receipt of comments on this analysis. These two public comments periods are: During this scoping process and the period between draft and final environmental impact statements. Comments received within 30 days from the date of this publication (Federal Register) will be especially useful in the preparation of the draft EIS.

Several issues have been identified from scoping, field surveys and reconnaissance. The principal issues identified to date are:

1. The vegetation patterns and species composition of the area do not mimic the natural variability noted from data compiled in the early 1900's.

2. There is a lack of quality wildlife security which is perpetuated by existing road management and well established All Terrain Vehicle use in the project area.

3. The forest surrounding the project area is fairly well fragmented.

4. There are areas with past clearcut harvest units that detract from the visual attractiveness of the landscape.

5. There is unauthorized trail building in the area.

6. The old Forest Service Nakarna-Tyson (#338), Eena Creek (#337) and Moolock Creek (#320) trails lie within the project area. These trails are still being used by the public and are in good condition. This is an opportunity to pub these trails back on the system.

7. There are some areas needing watershed/fish habitat rehabilitation and this is an opportunity to complete this work. In addition, if management activities were to be implemented, what would be potential impacts on the fish habitat, water quality and stream channel equilibrium.

8. If management activities were to be implemented, what would be the potential impacts on wildlife habitats.

9. How must sustainable timber harvest is available from the project area.

10. The local community has voiced their concern over availability of small timber sales. These sales enable smaller timber operators the opportunity to purchase timber sales.

Development of alternatives is underway. The analysis will consider the No Action alternative in addition to the proposed action (described above) and two alternative actions. The two alternative actions would respond in varying degrees to the purpose and need defined above. These two alternatives are as follows:

1. One alternative would confine proposed timber management activities to areas which can be reached by existing roads, i.e. no new system roads would be necessary. This proposal would include underburning, timber harvesting, a wildlife security area in the Charlie-Preston Creek drainages, watershed/fish improvements and trail development. Potential harvest units for this alternative present many small sale opportunities.

2. One alternative is being proposed for management activities that are limited to certain areas of the project area. This addresses the wildlife security issue for a different part of the project area. This alternative would include underburning, timber harvesting, road construction, potential road obliteration, a wildlife security area in the Eena, Moolock, Brown, Pamas and Short Creek drainages, watershed/fish improvements and trail development. Potential harvest units for this alternative present many small sale opportunities.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Reviewers may wish to refer to CEQ regulations 40 CFR 1503.3.

The draft environmental impact statement should be available for public review in May, 1994. The final EIS is scheduled to be completed by September, 1994. The District Ranger, who is the responsible official for this EIS, will make a decision regarding this proposal. This decision and reasons for the decision will be documented in a Record of Decision.

Dated: March 25, 1994.

Bradley J. Gilbert,

District Ranger, St. Maries Ranger District, Idaho Panhandle National Forests.

The policy of the USDA Forest Service prohibits discrimination on the basis of race, color, national origin, age, religion, sex, disability, familial status, or political affiliation. People believing they have been discriminated against in any Forest Service related activity should write to: Chief, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

[FR Doc. 94–7709 Filed 3–30–94; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Public Meeting of the Alaska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 3 p.m. on Friday, May 6, 1994, at the Anchorage Hilton, 500 West Third Avenue, Anchorage, Alaska 99501. The purpose of the meeting is to plan future program activities and discuss civil rights issues in the State.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Rosalee Walker or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 22, 1994.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 94–7592 Filed 3–30–94; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-814]

Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China; Affirmative Final Determination of Circumvention of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Affirmative Final Determination of Circumvention of Antidumping Duty Order.

SUMMARY: On January 3, 1994, the Department of Commerce published a preliminary affirmative determination of circumvention of the antidumping duty order on certain carbon steel butt-weld pipe fittings (pipe fittings) from the People's Republic of China.

We provided interested parties an opportunity to comment on the preliminary affirmative determination. After our analysis of the case and rebuttal briefs, we have determined that imports into the United States of pipe fittings that were finished in Thailand from unfinished pipe fittings produced in the People's Republic of China constitute circumvention of the antidumping duty order on certain carbon steel butt-weld pipe fittings from the People's Republic of China, within the meaning of section 781(b) of the Tariff Act of 1930, as amended. As a result, we determine that pipe fittings that were finished in Thailand from unfinished pipe fittings produced in the People's Republic of China fall within the scope of the antidumping duty order on certain carbon steel butt-weld pipe fittings from the People's Republic of China.

EFFECTIVE DATE: March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Donald Little or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 1994, the Department of Commerce (the Department) published in the **Federal Register** (59 FR 62) a preliminary affirmative determination of circumvention of the antidumping duty order on certain carbon steel butt-weld pipe fittings (pipe fittings) from the People's Republic of China (PRC). Pursuant to this determination, the Department instructed the U.S. Customs Service (Customs) to suspend liquidation of, and require cash deposits on, entries of the imported product as defined in the "Scope of the Anti-Circumvention Inquiry" section of this notice. In accordance with section 781(e) of the Tariff Act of 1930, as amended (the Tariff Act), the Department also notified the International Trade Commission (ITC) of its preliminary affirmative determination. In response, the ITC notified the Department that consultations between the Department and the ITC on this issue are not necessary. See letter from ITC Chairman Don E. Newquist to Deputy Assistant Secretary Joseph A. Spetrini, dated March 21, 1994.

The Department has now completed this inquiry in accordance with section 781(b) of the Tariff Act (19 U.S.C. 1677(j)(b)), and 19 CFR 353.29(f) (1993).

Scope of the Antidumping Duty Order

Imports covered by the antidumping duty order are shipments of carbon steel butt-weld pipe fittings, having an inside diameter of less than 14 inches, imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (*e.g.*, threaded, grooved, or bolted fittings). Carbon steel butt-weld pipe fittings are currently classified under subheading 7307.93.30 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and Customs purposes, our written description of the scope of this order remains dispositive.

Scope of the Anti-Circumvention Inquiry

The products subject to this circumvention inquiry are pipe fittings, as described above in the "Scope of the Antidumping Duty Order" section, which are exported in unfinished form from the PRC to Thailand, where some finishing is performed.

Nature of the Anti-Circumvention Inquiry

As set forth in our preliminary determination, we examined whether (1) pipe fittings finished in Thailand and sold in the United States were of the same class or kind as those covered by the antidumping duty order on pipe fittings from the PRC, (2) pipe fittings finished in Thailand and exported to the United States were completed from unfinished pipe fittings manufactured in the PRC, and (3) the difference between the value of the unfinished pipe fittings from the PRC and the finished pipe fittings sold in the United States was small, as required by section 781(b)(1) of the Tariff Act.

In reaching a conclusion as to whether the difference in value was small, we based our analysis of the difference in the value on (1) a quantitative analysis of the value of the finishing process in Thailand, and (2) a qualitative analysis of the nature of the processing performed in Thailand, and the level of investment in Thailand. Further, in determining whether to include merchandise assembled or completed in Thailand within the order, we analyzed changes in the pattern of trade, the relationship between the Chinese manufacturer and the Thai finisher, and changes in volume of imports of unfinished pipe fittings into Thailand, pursuant to section 781(b)(2) of the Tariff Act. (See *Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China; Affirmative Preliminary Determination of Circumvention of Antidumping Duty Order*, 59 FR 62 (January 3, 1994).)

Final Calculation of Difference in Value

As in our preliminary determination, we calculated the difference in value percentage by dividing the value added in Thailand by the value of the completed merchandise. In our final analysis, we used the net selling price of pipe fittings to the United States to represent the value of the completed merchandise. We deducted freight and insurance to derive the net selling price of the completed merchandise.

We revised the cost of manufacturing used to determine the value added in Thailand in order to correct for certain clerical errors found by the Department or noted by Awaji Sangyo (Thailand) (AST) at verification. We also adjusted the cost of manufacturing for labor bonus expenses submitted at the beginning of verification. In addition, we excluded from our calculation of the difference in value certain pipe fittings which were found not to be of Chinese origin. (See March 21, 1994 analysis memo from the case analyst to the file.)

We found that the value added in Thailand is 18 percent of the value of the completed merchandise. (Since the precise figure is business proprietary, the stated percentage is within a range of plus or minus 10 percent.) See March 21, 1994 analysis memorandum from the case analyst to the file. In order to determine whether 18 percent is "small" within the meaning of the Tariff Act, we examined the nature of the

processing performed in Thailand and the level of investment in Thailand. (See *Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China; Affirmative Preliminary Determination of Circumvention of Antidumping Duty Order*, 59 FR 62.) As stated in the preliminary determination, we have determined that the finishing operations performed to finish unfinished tees provide limited value to the finished tee relative to the production process used to manufacture the unfinished tee. Moreover, the level of investment required to produce unfinished tees is significant when compared to that required to finish the unfinished tee. Accordingly, we determine that the calculated difference in value percentage is "small" within the meaning of section 781(b) of the Tariff Act.

Analysis of Comments Received

We invited interested parties to comment on the preliminary affirmative determination of circumvention on pipe fittings from the PRC. We received a case brief from the respondent, AST, and a rebuttal brief from the petitioner, the U.S. Fittings Group (an ad hoc trade association of domestic producers of pipe fittings currently consisting of: Hackney, Inc.; Ladish Company, Inc.; L.A. Boiler Works, Inc.; Mill Iron Works, Inc.; Steel Forgings, Inc.; and Tube Forgings of America, Inc.). We held a public hearing on March 8, 1994. All comments and rebuttal arguments properly raised by the parties to the proceeding are discussed below.

Comment 1: AST asserts that at the time it considered converting tees, it relied upon U.S. customs law, under which converting unfinished fittings into completed form has been held to constitute "substantial transformation" of the unfinished product and to confer a new country of origin. AST states that the decision to convert tees preceded the Chinese antidumping petition and that after the antidumping order on Chinese pipe fittings AST continued to rely on the Customs ruling.

AST cites the Customs case *Midwood Industries, Inc.* v. *United States*, 313 F. Supp. 951 (Cust. Ct. 1970). In *Midwood Industries*, the Customs Court held that the manufacturing processes applied to unfinished fittings to convert them to finished goods constituted a "transformation of such imported articles into different articles having a new name, character and use." 313 F. Supp. at 957. Although AST recognizes that the Department's definition of scope is not bound by U.S. Customs law, AST believes the Department should avoid creating tension and confusion between Commerce and Customs laws.

Department's Position: As AST states, our definitions of scope and country of origin are not bound by U.S. customs law. Under section 781(b) of the Tariff Act, the Department must examine specific criteria to determine whether merchandise circumvents an antidumping order, and is bound by those criteria in making its determination. In addition, the Court of International Trade (CIT) has held that the Department is not bound by Customs classification determinations. *See Diversified Products* v. *United States*, 572 F. Supp. 883, 887 (CIT 1983); and *Royal Business Machines* v. *United States*, 507 F. Supp. 1007, 1014 (CIT 1980). As to AST's argument that the decision to convert tees preceded the antidumping petition on pipe fittings from China, there is no requirement in the statute or regulations that completion or assembly in a third country begin only after the antidumping order is issued in order to include pipe fittings finished in Thailand.

Comment 2: AST states that its U.S. exports for the entire class or kind of merchandise, including elbows and reducers, increased significantly after the Thai and Chinese orders, citing Exhibit 6 of its November 23, 1993 response. AST contends that the Department's analysis of the pattern of trade failed to consider that AST's exports to the United States after the Thai order increased naturally because AST was excluded from the Thai order and its exports were therefore free from cash deposits, while Chinese companies and other Thai companies stopped exporting to the United States because their imports were subject to cash deposits. AST argues that the Department focused exclusively on the mathematical calculation in considering the pattern of trade, without considering the rational commercial reasons for the increase in exports.

AST also argues that the Department's calculation of the increase in AST's exports is skewed because it was based on kilograms rather than on pieces. AST states that the large differences in weight among the various sizes of fittings does not yield a meaningful comparison of export volumes. AST's product mix shifted to larger pieces after the order, with a greater weight per fitting ratio. AST states that the increase in exports, as measured in pieces, is "a far cry from increase levels in prior cases where the Department has found circumvention to exist," citing *Color Picture Tubes from Canada, Japan, Korea, and Singapore; Negative Preliminary Determination*, 55 FR 52066 (December 19, 1990) and *Granular Polytetrafluoroethylene Resin from Italy; Affirmative Preliminary Determination*, 57 FR 43218 (September 18, 1992).

Department's Position: We recognize that an antidumping duty order will sometimes precipitate a shift in trading patterns, with low-rate or excluded companies gaining some of the market lost by companies with higher dumping cash deposit rates. Such a shift does not in and of itself mean that circumvention has occurred. Rather, we investigate the causes and nature of the shift in our determination of whether circumvention has occurred. For example, increased capacity utilization could be a normal commercial response of an excluded company to an antidumping duty order. However, if the excluded company's increased exports are the result of transmitting subject merchandise from another company covered by an order, we might conclude that this pattern of trade supports a finding of circumvention. In this case, we found that there was a significant increase in tees finished from unfinished Chinese tees and exported to the United States. Therefore, the nature of the shift in the pattern of trade suggests that it is the result of circumvention.

Furthermore, AST's statement that its exports to the United States of the entire class or kind of merchandise increased after the order cannot be substantiated by Exhibit 6 of the November 23, 1993 response. This exhibit gives only annual totals for exports of all pipe fittings to the United States. We cannot make a reasonable comparison of the period after the order, July 1992 through September 1993, with the comparable period before the order, May 1991 through June 1992, on the basis of annual figures. For example, we have no way of knowing what portion of the 1992 exports occurred before the July 6, 1992 antidumping order, and what portion occurred after the antidumping order. Also, we would not know what portion of the 1991 annual exports occurred during May through December 1991.

We disagree with AST's assertion that kilograms do not provide a reasonable measurement of its volume of exports of pipe fittings to the United States and of the extent to which AST's exports have increased since the issuance of the order. In this case, the Department has determined that kilograms constitute a reasonable measure of volume. U.S. Customs and the Thai government use kilograms as their measure of volume in keeping their trade statistics, suggesting that kilograms is a reasonable measure.

In addition, AST allocates many of the its expenses on a kilogram basis rather than pieces.

The record shows that AST's product mix shifted from smaller to larger pipe fittings after the issuance of the order. The Department has concluded that kilograms more accurately reflect the shift in AST's exports from smaller to larger pipe fittings. Measuring in kilograms takes into account the large raw material differences, as well as value differences, among various sizes of pipe fittings. Measuring in pieces masks increases in size, weight, and value of pipe fittings exports. Moreover, regardless which unit of measure, *i.e.*, pieces or kilograms, is used, the volume of exports to the United States has increased significantly. AST's comparison of the difference in exports in this inquiry and *Color Picture Tubes from Canada, Japan, Korea, and Singapore; Negative Preliminary Determination*, 55 FR 52066 and *Granular Polytetrafluoroethylene Resin from Italy*, 57 43218 (PTFE) is mistaken. In accordance with the statute, the Department's analyses in circumvention inquiries are conducted on a case by case basis, and it may not be appropriate to compare the facts of one case to those of another. For instance, the fact that the exports in PTFE resin increased nearly four-fold does not indicate that a similar increase must be found in a different case in order to justify an affirmative circumvention determination.

Comment 3: AST states that the Department considers the likelihood of circumvention to be greater if the manufacturer of the unfinished merchandise is related to the third country assembler. AST also states that the Department has considered the related-party factor a critical element in its evaluation in past circumvention inquires, citing *Color Picture Tubes from Canada, Japan, Korea and Singapore; Negative Final Circumvention Determination*, 56 FR 9667 (March 7, 1991). AST urges the Department to take this factor into account in its analysis.

Department's Position: While the Department has noted that it is "more likely" for related parties to engage in circumvention activity, a relationship between the Chinese manufacturer and Thai converter/exporter is not a necessary condition for finding circumvention. Relationship among parties is not a mandatory criterion, but a qualitative "factor to consider" under 19 CFR 353.29(f)(2). Not all of the qualitative factors have to indicate circumvention in order for the Department to make an affirmative circumvention determination. To do so would run counter to the statute, which does not require that all three factors be present to find circumvention. Indeed, if all three had to be met, they would be mandatory criteria, such as those in section 781(b)(1), not "factors to consider," and there would be no need to list them separately in 781(b)(2). It is possible for circumvention to occur between unrelated companies.

In addition, the factor of relationship was not a "key" or "critical" factor in the circumvention inquiries on color picture tubes (CPTs). On the contrary, in the CPT circumvention inquiries the Department specifically investigated unrelated companies, and made its negative determinations on other grounds. (*See Color Picture Tubes from Canada, Japan, Korea and Singapore, Negative Final Circumvention Determination*, 56 FR 9667.) Furthermore, the Department found circumvention between unrelated parties in *Brass Sheet and Strip from Canada, Final Affirmative Determination of Circumvention of the Antidumping Duty Order*, 58 FR 33610.

Comment 4: AST argues that the Department erroneously concluded that the increase in exports from Shenzhen Fittings Manufacturing Factory (Shenzhen Factory) in the PRC to Thailand corresponds to the increase in exports of tees from AST to the United States. AST states that the majority of the number of pieces of unfinished tees imported from China were shipped to another Thai importer. AST also states that the number of pieces of unfinished Chinese tees it imported declined after the order, and therefore any increase in the total number of pieces imported into Thailand are unrelated to the increase in AST's finished tees exports to the United States. Moreover, AST argues that the Department should use data from the 18 months prior to the antidumping order in its analysis, since the record contains export data from January 1991 to August 1993.

Department's Position: The record shows that imports of unfinished pipe fittings from Shenzhen Factory to AST declined only if one uses pieces, rather than kilograms, and compares the 18-month period before the issuance of the order to the 14-month period after the order, as AST has done. This comparison conceals the nature of the volume of imports and is not a reasonable comparison of time periods. The antidumping order was issued on July 6, 1992. Because we initiated a circumvention inquiry and issued circumvention questionnaires in September 1993, we gathered post-order data on imports for the period July 1992 through September 1993, a 14-month period. Therefore, we compared that data with import data for the 14 months prior to the antidumping order, that is, for the period May 1, 1991 through June 30, 1992. It would be unreasonable to compare an 18-month period to a 14-month period, as AST advocates. In addition, AST has relied on pieces rather than kilograms in its argument. We believe that kilograms are a better measure of the volume of trade than are pieces. *See* our response to *Comment 2*, above. Regardless of the unit of measure, there is a clear increase of imports of pipe fittings to Thailand, as well as an increase to AST, after the issuance of the antidumping duty order, when equal time periods are compared. See March 21, 1994 analysis memo from the case analyst to the file.

Comment 5: AST asserts that, in its calculation of the difference in value, the Department's use of CIF selling prices for the value of the completed merchandise was in error. (The Department determined the difference in value by dividing Thai finishing costs by the value of the completed merchandise sold in the United States.) The CIF price included freight and insurance costs, while the Thai finishing cost data did not include these costs. Therefore, AST contends, the use of CIF selling prices dilutes the percentage of Thai completion. AST argues that this skews the comparison of unfinished and finished merchandise values, increasing the probability that the value added by Thai finishing will be deemed "small." AST urges the Department to use ex-factory prices as the value of the completed merchandise.

AST further states that the Department has consistently used ex-factory selling prices as the value of the completed merchandise in prior circumvention inquiries and has no reason to divert from that practice now.

Department's Position: We agree with AST. For the final determination, we have adjusted the gross CIF selling price by deducting the freight and insurance expenses to arrive at the net selling price (ex-factory) of the completed merchandise. We find that the recalculated difference in value is still small. (See March 21, 1994 analysis memo from the case analyst to the file.)

Comment 6: AST argues that the Department should allocate to AST's cost of manufacturing for pipe fittings a portion of the selling, general and administrative (SG&A) expenses incurred by the Butt-Weld Division of Awaji Sangyo K.K. (ASK), which is AST's parent company in Japan. ASK's Butt-Weld Division sells AST's pipe fittings in the Japanese domestic market. AST notes that the Department included

a portion of the SG&A expenses of ASK's Tokyo office, which handles AST's export sales, in determining the value of the finishing processes in Thailand.

Department's Position: We disagree with AST that a portion of ASK's Butt-Weld Division's SG&A should be included in determining the value of the finishing processes in Thailand for merchandise exported to the United States. The record shows that all of the SG&A expenses in Japan that related to export sales of AST's pipe fittings were incurred at the Tokyo office. See November 23, 1993 AST response at 10. Therefore, we allocated a portion of the total Tokyo office SG&A expenses to AST's pipe fittings subject to this inquiry. However, the Butt-Weld Division's SG&A expenses were incurred only for selling AST's Thai-manufactured pipe fittings in the Japanese domestic market. See November 23, 1993 AST response at 10. Expenses incurred for ASK's Japanese domestic sales should not be allocated to the sales of AST's pipe fittings in the United States.

Comment 7: AST argues that the stated purpose of the anti-circumvention law is to prevent evasion of an antidumping duty order duty or finding, not to penalize foreign producers for their past action. AST states that it has ceased importing Chinese tees since March 1993 and will soon begin commercial production of tees in an integrated process from steel pipe, making it unnecessary to import unfinished tees from any source. Further, AST states that it will not be importing unfinished tees from China, since its Chinese supplier has ceased operation. AST argues that the foregoing facts preclude any reasons for AST's evasion of the Chinese order in the future and nullifies the necessity for the importer certification program.

Department's Position: We agree with AST that the purpose of the anti-circumvention law is to prevent evasion of antidumping duty orders and findings, and it is for this reason that we have instituted the import certification program. When we have determined that circumvention has occurred, we must take action to prevent continuing circumvention. In this case, the statutory and regulatory provisions for a finding of circumvention have been met. In addition, we have designed our certification requirement in such a way that entries of pipe fittings imported into the United States from Thailand will not be suspended if the importer can certify that they were not produced from unfinished Chinese pipe fittings. Thus, entries of pipe fittings produced by AST in an integrated process from steel pipe will not be subject to suspension, as long as the importer provides the appropriate certification.

We also note that AST's statement that it will have no reason to evade the Chinese order in the future does not assure us that there will not be continued circumvention of the order. Our verification at AST revealed that AST had unfinished Chinese tees remaining in its inventory at the end of 1993. See February 25, 1994 AST verification report. Absent a finding of circumvention, AST could finish these pipe fittings and export them to the United States free of antidumping duties. AST could also resume finishing of Chinese unfinished tees to supplement its tee production. In order to prevent circumvention, we must (1) order the suspension of entries of pipe fittings from AST, absent certification that such pipe fittings have not been produced from unfinished Chinese pipe fittings, and (2) require such certification for imports from all Thai exporters, so that the appropriate antidumping duties can ultimately be collected.

Comment 8: Petitioner states in its rebuttal brief that AST implicitly claimed that the Department has no basis to institute an anti-circumvention inquiry with respect to the antidumping duty order on pipe fittings from Japan. According to petitioner's account of AST's argument, AST bases this assertion on its statement that unfinished pipe fittings are not covered by the Japanese order.

Petitioner claims that there is enough evidence on the public record in the PRC anti-circumvention inquiry for the Department to institute an anti-circumvention inquiry on the Japanese order.

Department's Position: The question of possible circumvention of the Japanese order on pipe fittings is not germane to the issue of whether the PRC order on pipe fittings has been circumvented. Furthermore, if petitioner believes that there is evidence that the order on pipe fittings from Japan is being circumvented, sufficient to warrant an anti-circumvention inquiry, then petitioner should request that the Department conduct such an inquiry, in accordance with CFR 353.29(b). We note that petitioner filed such a request with the Department on March 22, 1994.

Affirmative Final Determination of Circumvention

After consideration of the factors discussed above, we have determined that circumvention of the antidumping duty order on pipe fittings from the PRC has occurred within the meaning of section 781(b) of the Tariff Act. We base this determination on the statutory criteria. First, the items completed in Thailand and sold to the United States are of the same class or kind of merchandise as that covered by the order, and are completed from merchandise produced in the PRC and covered by the order. Second, the difference in value between the unfinished pipe fittings sold to Thailand and the value of the finished pipe fittings exported to the United States is small. We note that our determination of "small" in this case is not necessarily synonymous with the determination of "small" that the Department has used in the past or that the Department will use in future anti-circumvention inquiries, because Congress has directed us to make such determinations on a case-by-case basis. Further, we find that the pattern of trade and level of imports into Thailand indicate a finding of circumvention of the antidumping duty order. Based on the record for this inquiry, we also find that action is appropriate to prevent evasion of the antidumping duty order. To this end, a finding of circumvention for a product within a class or kind indicates that the criteria for finding circumvention are met by and, therefore, apply to all manufacturers/exporters of the class or kind of merchandise (*i.e.*, pipe fittings) subject to the certification requirements described below.

This does not preclude a Thai manufacturer from making an affirmative showing that its merchandise, or a portion thereof, does not meet the criteria for finding circumvention. Such a showing must be made on an analysis that follows, as closely as possible, the analysis made in the affirmative circumvention determination.

Requirement of Certification

Considered within the scope of the antidumping duty order on pipe fittings from the PRC are all imports from all producers into the United States of pipe fittings from Thailand, as defined in the "Scope of the Anti-Circumvention Inquiry" section of this notice, unless accompanied by a certificate stating that such pipe fittings have not been produced from unfinished Chinese pipe fittings.

Suspension of Liquidation

In accordance with 19 CFR 353.29(j)(2), we are directing the U.S. Customs Service to continue to suspend liquidation of all entries of pipe fittings from Thailand. The merchandise subject to suspension of liquidation is pipe

fittings, as defined in the "Scope of the Anti-Circumvention Inquiry" section of this notice, that are entered or withdrawn from warehouse, for consumption on or after January 3, 1994, the date of publication of the preliminary affirmative circumvention determination in the **Federal Register**. (We note that entries of pipe fittings from Thailand, with the exception of AST's pipe fittings, are currently being suspended pursuant to the antidumping duty order on pipe fittings from Thailand (57 FR 29702, July 6, 1992).) For all such imports which are accompanied by a certificate stating that such pipe fittings have not been produced from unfinished Chinese pipe fittings, the U.S. Customs Service shall require a cash deposit or posting of a bond in the amount of the company-specific rate for the Thai manufacturer/exporter, or, if there is no company-specific rate for the Thai manufacturer or exporter, the "All Others" rate for pipe fittings from Thailand. For all such imports which are accompanied by a certificate stating that the merchandise was manufactured using Chinese unfinished pipe fittings and the name of the manufacturer of the Chinese unfinished pipe fittings, the U.S. Customs Service shall require a cash deposit or posting of a bond in the amount of the company-specific rate of the manufacturer of the Chinese unfinished pipe fittings. For all such imports which are accompanied by a certificate stating that such pipe fittings have been produced from unfinished Chinese pipe fittings, but do not provide the specific Chinese manufacturer, the U.S. Customs Service shall require a cash deposit or posting of a bond in the amount of the highest rate for pipe fittings from the PRC. For all other imports of pipe fittings from Thailand which are accompanied by an inadequate certificate, or no certificate, the U.S. Customs Service shall require a cash deposit or posting of a bond in an amount based on the higher of (1) the highest rate for any manufacturer/exporter of pipe fittings from the PRC, or (2) the rate for the Thai manufacturer/exporter, or, if there is no company-specific rate for the Thai manufacturer or exporter, the "All Others" rate for pipe fittings from Thailand.

This suspension of liquidation shall remain in effect until further notice.

Interested parties may request disclosure within five days of the date of publication of this notice.

This final affirmative determination of circumvention is in accordance with section 781(b) of the Tariff Act (19 U.S.C. 1677j(b)) and 19 CFR 353.29(f).

Dated: March 25, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–7715 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–301–602]

Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review, and Notice of Revocation of Order (in Part)

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review, and notice of revocation of the antidumping duty order in part.

SUMMARY: On December 14, 1993, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order or certain fresh cut flowers from Colombia. The review covers 186 producers and/or exporters of this merchandise to the United States and the period March 1, 1990 through February 28, 1991.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received and the correction of certain clerical errors, we have made certain changes for the final results. The review indicates the existence of dumping margins for certain firms during the review period.

We are also revoking the antidumping duty order for the following exporters/growers: Flores Colombianas Group (Agrosuba, Flores Colombianas, Jardines De Los Andes, Productos El Cartucho) and Flores Condor De Colombia Ltda.

EFFECTIVE DATE: May 31, 1994.

FOR FURTHER INFORMATION CONTACT: J. David Dirstine or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 1987, the Department of Commerce (the Department) published in the **Federal Register** (52 FR 8492) the antidumping duty order on certain fresh cut flowers from Colombia. The Floral Trade Council, the petitioner, and certain respondents requested in accordance with 19 CFR 353.22 that we conduct an administrative review of the period March 1, 1990 through February 28, 1991. We published a notice of initiation of administrative review for this period on June 18, 1991 (56 FR 27944). On December 14, 1993, we published the preliminary results of the administrative review (58 FR 65329).

We determined in the preliminary results of review to revoke the antidumping duty order for the following exporters/growers: Flores Colombianas Group (Agrosuba, Flores Colombianas, Jardines De Los Andes, Productos El Cartucho), and Flores Condor De Colombia Ltda. These firms have submitted requests in accordance with 19 CFR 353.25(b) to revoke the order with respect to their sales of flowers to the United States. Their requests where accompanied by certifications that they have sold flowers to the United States at not less than foreign market value (FMV) for at least a three-year period, including the subject review period, and will not do so in the future. Because we have determined that these firms have sold the subject merchandise at not less than foreign market value in this review, and have never sold the subject merchandise at less than FMV, including the required three-year period, we revoke the order with respect to these companies, in accordance with 19 CFR 353.25(a).

The Department has now completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of certain fresh cut flowers from Colombia (standard carnations, miniature (spray) carnations, standard chrysanthemums and pompon chrysanthemums). These products are currently classifiable under item numbers 0603.10.30.00, 0603.10.70.10, 0603.10.70.20, and 0603.10.70.30 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

Although we initiated reviews on 189 named firms, this review actually covers only 186 firms. Two of the names listed in the initiation notice were the same company (Inversiones Targa Ltda. and Inversiones Targa S.A.). Also, we initiated a review for Agricola La Corsaria Ltda., but have terminated it because the firm's request for review was withdrawn and there was no other review request received for this firm. We also terminated the reviews initiated for Cultivos Del Caribe, Floramerica S.A., Flores Las Palmas Ltda., and Jardines De Colombia Ltda., because these firms were revoked from the antidumping order in earlier reviews.

Sampling

Eighty-three firms covered by the initiation notice were requested only by the petitioner. Due to the large number of firms and transactions that were already under review, we used the following sampling methodology: First, the 83 firms were divided into three strata: Respondents with exports of fewer than 50,000 kilograms; respondents with exports of greater than 50,000 kilograms but fewer than 500,000 kilograms; and respondents with greater than 500,000 kilograms. We then assigned "points" in a sample pool to each of the 83 firms in proportion to the firm's share of total exports to the United States, with each point representing one-quarter of one percentage point of total exports. For example, a company than represented 5 percent of exports to the United States would receive 20 points and go "into the hat" 20 times. A company that comprised one percent of total exports would receive four points and go "into the hat" four times. In this way, a company with a greater volume of exports had a much greater chance of being selected than the company with a smaller volume of exports. We then chose 10 percent of the points from each of the three strata to comprise the actual sample. The companies selected to be analyzed have received their own rates. The remaining 54 companies in the non-sampled pool were assigned the weighted average sample margin (any firm chosen for the sample more than once had its dumping rate counted as many times as the firm was selected).

Initially, 31 firms were selected for the Department's sample. However, after selecting our sample group, we determined that two companies in the sample, Manjui Ltda., and Alstrodflores Ltda., had no shipments of the subject merchandise during the period of review (POR). We have eliminated these two firms from the sample pool. In addition, the Department determined during verification that Inversiones Targa Ltda., a company chosen for the sample pool, was a related entity of the Bochica Group, which self-requested a review. Therefore, we have collapsed the response of Inversiones Targa Ltda., as part of the Bochica Group, and eliminated this company from the sample pool. Twenty-eight firms were ultimately used in the Department's sample pool. Due to the elimination of Manjui Ltda., Alstrodflores Ltda., and Inversiones Targa Ltda., the sample no longer was self-weighting. Therefore, to estimate the average dumping margin of the population of 54 remaining firms, we weight-averaged the sample means of the three strata. The weight assigned to each sample mean was that stratum's share of total exports.

Flores Estrella Ltda., and Flores Mountgar Ltda., both chosen as part of the sample pool, submitted certifications to the Department that they are no longer in business and, therefore, could not respond to the Department's questionnaire. The Department determined that these companies could not respond, and therefore applied as second-tier Best Information Available (BIA) a rate of 7.56 percent to Flores Estrella, the highest calculated rate in this review, and a rate of 43.02 percent to Flores Mountgar, the highest rate ever received by that company in any prior review (see our response to *Comment 40*, below). The BIA margin for these two companies have been included in the contributing weight in the sample pool margin.

During the course of this review, we learned that several respondents were sufficiently related for the Department to collapse these firms, or groups of firms, into one entity for purposes of calculating a dumping rate. The firms we considered one entity are: Agricola Las Cuadras and Flores De Hacaritama; Exportaciones Bochica/Floral Ltda., Inversiones Targa, S.A., Flores Del Cauca, Agro Bosque, S.A., and Productos El Zorro (Agro Bosque, S.A. and Productos El Zorro were not in our initiation notice but have become a part of this administrative review due to the collapsing of the Bochica Group); Florex and Santa Helena; Queen's Flowers Ltda., Jardines De Chia Ltda., and Jardines De Fredonia Ltda.; and Rosa Sabanilla Ltda., Inversiones La Serena and Agricola La Capilla (Agricola La Capilla was not in our initiation notice but has become a part of this administrative review due to the collapsing of the Rosas Sabanilla Group). See Mamoranda to file dated March 11, 1994.

Best Information Available

The Department conducted verification of responses submitted by Cultivos Miramonte, Exportaciones Bochica/Floral Ltda., Flores Colombianas, Flores Condor, Flores de Suba, Flores del Campo, Las Amalias/ Pompones Ltda., Flores de Hunza, Flores la Sabana, Inversiones Targa, Ltda., and the Santana Group. At verification we detemined that there were several interrelationships between Las Amalias/Pompones Ltda. and another flower exporter, as well as interrelationships with other importers that were not disclosed to the Department in the response (see Las Amalias Varification Report (October 19, 1993)). Consequently, Las Amalias/ Pompones Ltda., did not report the correct U.S. price (USP) for the overwhelming majority of its sales. As a result, we have used BIA to calculate the dumping margin for this firm. Also, as previously indicated in the *Sampling* section of this notice, we are applying second-tier BIA rates to sales made by Flores Estrella Ltda. and Flores Mountgar Ltda. These firms are no longer in business and failed to respond to the Department's questionnaire.

United States Price

Pursuant to section 777A of the Tariff Act, we determined that it was appropriate to average U.S. prices on a monthly basis in order (1) to use actual price information that is often available only on a monthly basis, (2) to account for large sales volumes, and (3) to account for perishable product pricing practices (see Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Colombia, 56 FR 50554 (October 7, 1991)).

In calculating USP, we used purchase price (PP) when sales were made to unrelated purchasers in the United States prior to the date of importation, or exporter's sales price (ESP) when sales were made to unrelated purchasers in the United States after the date of importation, both pursuant to section 772 of the Tariff Act.

We calculated purchase price based on the packed price to the first unrelated purchaser in the United States. The terms of PP sales were either f.o.b. Bogota or c.i.f. Miami. We made deductions, where appropriate, for foreign inland freight, air freight, brokerage and handling, U.S. customs duties, and return credits.

ESP, for sales made on consignment or through a related affiliate, was calculated based on the packed price to the first unrelated customer in the United States. We made adjustments, where appropriate, for foreign inland freight, brokerage and handling, air freight, box charges, credit expense, returned merchandise credits, royalties, U.S. duty, and either commissions paid to unrelated U.S. consignees or indirect U.S. selling expenses of related consignees.

Foreign Market Value

Section 733(a)(1)(A) of the Tariff Act requires the Department of compare sales in the United States with viable home market sales of such or similar merchandise sold in the home market or a third country market in the ordinary course of trade. Although some

companies reported home market sales of subject flowers, we found that these sales consisted either of mostly cull quality sales, or were sales to resellers for export to the United States. Furthermore, although some companies reported viable third country markets, consistent with the reasoning in the Final Results of Antidumping Duty Review; Certain Fresh Cut Flowers from Colombia, 55 FR 20491 (May 17, 1990), we have concluded that home market and third country sales are not an appropriate basis for foreign market value (FMV). See our response to *Comment 4*, below.

Accordingly, in calculating FMV, we used constructed value as defined in section 773(e) of the Tariff Act for all companies. The constructed value represents the average per-flower cost for each type of flower, based on the costs incurred to produce that type of flower over the review period.

The Department used the materials, fabrication, and general expenses reported by respondents. The per-unit average constructed value was based on the quantity of export quality flowers actually sold by the grower/exporter in all markets. The non-export quality flowers (culls) that are produced in conjunction with export quality flowers are considered by-products. Therefore, revenue from the sales of culls was used as an offset against the cost of producing the export quality flowers.

For cases in which actual general expenses exceeded the statutory minimum of 10 percent of the cost of materials and fabrication, we used the actual general expenses to calculate constructed value. For cases in which actual general expenses were less than the statutory minimum of 10 percent of the cost of materials and fabrication, we used the statutory minimum of 10 percent. When imputed credit was included in constructed value, the actual interest expense was reduced to prevent double counting.

When respondents indicated that the actual profit for merchandise of the same general class or kind could not be calculated or was less than eight percent of the sum of the cost of production and general expenses, the Department used the eight percent statutory minimum for profit. We added U.S. packing to constructed value. Adjustments to constructed value were made for credit and indirect selling expenses.

Briefs and rebuttal briefs were submitted by the FTC and Asocolflores. A hearing was held on February 1, 1994.

General Issues Raised by the Floral Trade Council

Comment 1: The Floral Trade Council (FTC) argues that floral bouquests should be covered by this order. According to the FTC, respondents are attempting to create a loophole in the order by selling covered flowers to a third party, who then packages them with other flowers for shipment and sales as "bouquets" in the United States. Respondents have considered such sales as home market sales, and not as sales for export to the United States. Other respondents made the bouquets themselves for sale to the United States, but did not report these sales.

The FTC argues that flowers sold in bouquets are within the scope of the original petition and the antidumping duty order. Citing text from the original petition, the FTC claims that the order made no distinction between flowers sold by the stem or in bouquets and it notes that the only physical difference between flowers sold in bouquets and those sold individually is how they are packaged. The FTC denies that the bouquet making industry is a separate, downstream industry, and claims that while bouquet makers add value to the flowers, bouquets can be disaggregated from non-covered flowers to calculate the U.S. price applicable to the flowers covered by the order. The FTC also notes that in its injury determination, the International Trade Commission (ITC) did not distinguish between a flower sold by the stem, bunch, or bouquet. Finally, the FTC asks that the Department reject the questionnaire responses of those respondents that failed to report bouquet sales, and instead resort to an adverse rate of BIA.

Asocolflores responds that bouquets are not within the scope of the original order. It notes that the original petition mentioned bouquets only as a use for fresh cut flowers, and claims that the ITC never addressed the issue in its injury determination. Furthermore, the FTC never requested a scope determination, nor did it analyze the relevant factors specified in the Department's scope regulation except in the most cursory fashion.

Asocolflores argues that the FTC's request that the Department use a BIA rate for those companies that did not report bouquet sales should be denied. No company failed to provide information that was asked of it by the Department. Because the Department did not ask firms to report bouquet sales, the Department should not penalize firms for not reporting them. Asocolflores also argues that the Department has previously ruled that sales of certain mixed bouquets are not covered by the order. See Certain Fresh Cut Flowers From Colombia, 55 FR 20,499 (May 17, 1990). Asocolflores asserts that bouquets were excluded because they are a high value-added product.

Asocolflores argues that the ITC's arguments for determining that each flow type is a separate like product produced by a separate industry apply to mixed bouquets as well, and that, if anything, mixed bouquets are more "unlike" the individual like products than the individual like products with respect to each other. Asocoflores also argues that the FTC's examples to prove its case do not apply to this case, and that its analysis of the Diversified Products criteria—physical differences, channels of trade, ultimate consumers, and end uses—is cursory and not backed by evidence. Asocolflores argues that bouquets are essentially dissimilar to fresh-cut flowers in each of the aforementioned criteria.

Asocolflores maintains that bouquets are a separate downstream industry, and notes that U.S. bouquet makers were considered separate from U.S. flower producers by the ITC. Asocolflores further argues that separate kinds of flowers, such as roses and carnations, are considered separate products, that bouquets are even less alike and have less substitutability than flowers sold by the stem, and that bouquets do not compete against domestically produced carnations, pompons, or mums sold individually. Furthermore, companies in the Untied States that make bouquets are not the same ones producing fresh-cut flowers, further indicating that bouquets are a downstream industry. Asocolflores notes that there have been no investigations into whether bouquets have been dumped, and claims that domestic bouquet makers have no wish to see bouquets included within the scope of the order.

Asocolflores concludes that mixed bouquets are a distinct article of commerce that do not fall under the scope of the order, and that this is borne out by the ITC's like product and industry analysis, the statutory distinction between industries producing raw and processed agricultural products, and by analysis under the Diversified Products criteria in the Department's scope regulation.

Las Amalias (Lasa) argues that bouquets were not in the scope of either the original order or the original petition, and that the original order made no mention of bouquets whatsoever. Furthermore, the only time the Department addressed this issue, it determined that home market sales of

subject flowers to bouquet makers were to be reported as home market sales. finally, because the Department did not request information on bouquets, it should not penalize companies that did not report bouquets by applying a BIA rate.

Department's Position: We agree with petitioner that sales of subject flowers incorporated in mixed bouquets are covered by the order. We base this determination on an analysis of the petition, the final determination of sales at less than fair value, the antidumping duty order, prior administrative reviews, and the ITC injury determination. Because we find that the information on the record is dispositive, it was not necessary to analyze the Diversified Products criteria in 19 CFR 353.29(i)(2). Therefore, although petitioner and respondents commented on the Diversified Products criteria, we have not addressed those issues here.

The petition covered certain fresh cut flowers whether imported by the stem, by the bunch, or by the bouquet, and quoted the relevant TSUSA description: "Cut flowers, fresh; bouquets, wreaths, sprays, or similar articles * * *" (FTC Antidumping Duty Petition, at 11 (May 21, 1986).)

In the Final Determination of Sales at Less Than Fair Value, the department stated:

> The products covered by this investigation are fresh cut miniature (spray) carnations, currently provided for in item 192.17 of the Tariff Schedules of the United States (TSUSA), and standard carnations, gerbera, alstroemeria, standard chrysanthemums, pompon chrysanthemums, and gypsophila currently provided for in item 192.21 of the TSUSA. (52 FR 6843).

The same language is contained in the antidumping duty order (52 FR 8492) except that gerbera, alstroemeria, and gypsophila were excluded because of the ITC's negative injury determination.

Although the ITC did not speak directly to the issue of whether mixed bouquets incorporating covered flowers constitute a separate like product, or whether there is a separate and distinct "bouquet industry," a careful reading of the ITC's Determination of the Commission in Investigations Nos. 731–TA–327 Through 331 (Final), Publication 1956 (March 1987), shows that if the ITC had addressed these issues squarely, it would have decided both in the negative. We can reasonably infer from the report and the statistics relied upon in that report, taken as a whole, that the ITC did not consider any potential distinction between individual flower stems and those grouped together in bunches or bouquets significant enough even to mention, much less to conduct a separate analysis of them.

For example, in Table 8 of that report (page A–39 and A–40), the ITC looked at U.S. producers' shipments of fresh cut flowers and noted that "[q]uantities in bunches of [subject merchandise] are converted to stems [for purposes of comparison]." On page A–41, the ITC states that in response to its questionnaires "U.S. growers reported their domestic shipments of flowers grown in their establishments. Quantities reported were in stems or bunches," and on page A–43 the report states, regarding U.S. producers' exports, "[d]ata are available describing exports of all fresh cut flowers and bouquets."

Although the ITC did not state that the above data included anything but subject merchandise, we conclude that the ITC considered all of the data relevant to its analysis. Where the ITC analyzed data involving basket categories including nonsubject merchandise, it made a specific reference to this. See e.g., footnote 4 of Table 1, where the ITC specifically pointed out that certain data relevant to its analysis included nonsubject merchandise. (*Id.* at A–24.)

In another section, the ITC stated:

> The major retail outlets for fresh cut flowers are florists, garden centers and nurseries, and mass merchandisers such as supermarkets. A 1985 study showed florists with 63 percent of the value of floral sales, mass merchandisers with 18 percent, garden centers and nurseries with 12 percent, and other outlets with 7 percent. Mass merchandisers have increased their share of the market, which was 6 percent in 1980, primarily at the expense of independent florists. Encouraged by increasing consumer demand, these outlets buy in bulk directly from growers, bypassing the wholesalers that service smaller florists. Imports have bolstered this trend by providing a year-round, low-cost source of supply. Supermarkets accounted for the largest portion of 1985 sales by mass merchandisers, with 8.6 percent of the market, followed by discount stores with 6.2 percent and department stores with 3.5 percent. In their questionnaire responses, importers verified that mass merchandisers have become increasingly important as purveyors of imported flowers. (Id. at A–19).

This analysis should be viewed in conjunction with the following statement by Asocolflores:

> Most imported bouquets are sold through supermarkets directly to consumers in the form in which they are imported. Most individual fresh cut flowers are sold through wholesalers and retailers, and do not reach the consumer in the form in which they are imported. Instead, the retailer generally fashions them into arrangements, and, in some instances bouquets (but generally not mass market bouquets). (Asocolflores Rebuttal Brief at 23 (January 25, 1994).)

While nothing in either of these passages suggests that supermarkets buy and sell bouquets exclusively, or that florists buy and sell individual stems exclusively, uncontroverted evidence on the record submitted by Asocolflores indicates that bouquets are generally sold through supermarkets. In addition, from the passages cited above, it is clear that the ITC analyzed domestic sales data that included individual stems, bunches, and bouquets, and that the ITC considered all mass merchandisers, including supermarkets, to be part of the distribution chain of the subject merchandise. Therefore, we deduce that the ITC did in fact consider flowers incorporated in bouquets in its injury analysis.

Asocolflores argues that the ITC's determination that separate flowers constitute separate like products indicates that bouquets would be even more "unlike" the like products of which they are made. We find this argument strained and unsupported by any record evidence. Nothing in the ITC's report indicates that covered flowers sold in groups constitute a separate like product. On the contrary, as explained above, the only logical conclusion to be drawn from the report is that the ITC was indifferent to whether flowers were sold individually or in groups.

Both the FTC and Asocolfores argue that the Department, with respect to the Department's determinations in prior reviews, has already decided the bouquet issue in their respective favors. The first time we referred to bouquets was in Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review, 55 FR 20499 (May 17, 1990), *comment 49.* The second time we dealt with the issue was in Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review and Revocation in Part of the Antidumping Duty Order, 56 FR 50555 (October 7, 1991), *comment 3.* Although we did not affirmatively state in these prior determinations that covered flowers in mixed bouquets are covered by the order, our commentary and analysis clearly indicate that the Department has always considered covered flowers incorporated in mixed bouquets to be subject to the order.

In the 1990 review, we treated Pompones' sales of subject flowers to an unrelated bouquet maker as home market sales. Nowhere in the position did we state that subject flowers incorporated into mixed bouquets are

not covered by the order. We merely determined that because the unrelated reseller combined Pompones' flowers with purchases of other flowers from other producers, and because the value of Pompones' product in relation to the product imported into the United States was relatively small, there was no need to consider Pompones' to be the seller of the U.S. product. See Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review, 55 FR 20499 (May 17, 1990). We determined that these sales could be considered home market sales. This in no way implies that subject flowers (such as those Pompones sold to the reseller) eventually sold in the United States by the reseller, in no matter what form (stem, bunch, solid bouquets, or mixed bouquets), were not covered by the order; nor does it imply that the unrelated reseller had "substantially transformed" Pompones' flowers into a product not covered by the order (bouquets). On the contrary, any covered flowers purchased by the unrelated reseller from Pompones or any other flower grower that were included in the bouquets sold in the United States were subject to the order and antidumping duties.

Our ruling with respect to Pompones is consistent with a principle we have applied in other cases: The relative costs of items incorporated in a combination article are not dispositive as to whether an item is covered by the scope of an order. See, e.g., *Funai Electric Co., Ltd.*, v. *United States*, 713 F. Supp. 420, 422 (1989) ("the technique of combining a putatively dumped article with a more costly related article could become a significant method of eva[sion]"), as cited in the FTC case brief at 5.

In the 1991 review, the issue was how SunPetals (a related U.S. selling agent of the Floramerica Group) allocated costs among the components of its bouquets. See Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review and Revocation in Part of the Antidumping Duty Order, 56 FR 50555 (October 7, 1991). There was no question that the Floramerica Group reported covered flowers in such bouquets as U.S. sales or that the Department considered covered flowers in such bouquets to be U.S. sales. SunPetals derived a U.S. price (USP) for the subject flowers in the bouquets by subtracting the cost of the other components. The petitioner's complaint was that no profit was allocated to those other components, thereby making USP higher than if profit had been allocated. We chose not to recalculate USP for subject flowers in bouquets because the amount of such an additional deduction was so small that it would have had less than a *de minimis* impact on the firm's margin. Far from implying any kind of blanket exclusion for bouquets, this position demonstrates that subject flowers incorporated in mixed bouquets are covered by the order. If they were not, there would have been no need to calculate a USP for such flowers or to consider the issue of the potential effect of deducting additional profit from that USP.

These prior determinations support our conclusion that bouquets are included in the scope of this order.

Respondents make much of the packaging, composition, and value added of mixed bouquets. As we have discussed, and as the following analysis makes clear, these issues are irrelevant to this scope determination.

At the outset, we note that no party to this proceeding has ever argued that bunches or bouquets made of several stems of a single (covered) flower type (hereafter, "bunches" and "solid bouquets") are not covered by the order. On the contrary, Asocolflores has admitted that such flowers incorporated in solid bouquets are in the scope of the order. See Memorandum to File dated March 14, 1994. At verification we found that bunches and solid bouquets were sold and duly reported by respondents as sales of covered merchandise. See, *e.g.*, Bochica/Floral Public Verification Report at 5, (October 8, 1993). As we saw at various verifications, typically bunches and solid bouquets contain several bound stems wrapped or stapled in cellophane sleeves and packed in a box with similar bunches or bouquets. See, *e.g.*, Bochica/Floral Public Verification Report, at 8 and 13 (October 8, 1993); Flores del Campo Public Verification Report, at 7 (October 17, 1993); Las Amalias Public Verification Report, at 9 (October 19, 1993); Flores de Suba Public Verification Report, at 10 (November 1, 1993). Thus, the packaging and presentation of subject flowers in bunches and solid bouquets do not transform them into merchandise outside the scope of the order. See also Final Determination of Sales at Less Than Fair Value; Red Raspberries from Canada, 50 FR 19768, 19771 (May 10, 1985) (differences in packaging do not transform a product into different classes or kinds of merchandise). In fact, we require respondents to disaggregate sales of bunches and solid bouquets and to quantify the number of individual stems contained in them. Likewise, Customs disaggregates bouquets and collects duties on individual flower stems.

Mixed-flower bouquets are in most cases prepared very similarly to solid bouquets and bunches. A group of flower stems is bound and wrapped, usually in cellophane sleeves, and packed in a box. See, *e.g.*, Issues Hearing Transcript in the Matter of Certain Fresh Cut Flowers from Colombia, at 11–12, (February 1, 1994). Flores Condor's bouquets are made up of approximately six stems of carnations and one stem each of minicarnations, statice, gypsophila and alstroemeria. See Condor Public Verification Report, at 3 (December 14, 1993). Flores de la Sabana's bouquets were "partial bouquets" that consisted of only two pompon chrysanthemums and two carnations. See Flores de la Sabana Public Verification Report, at 10 (October 25, 1993). Flores de Suba's bouquets were comprised of carnations, pompons, gypsophila, and statice. See Flores de Suba Public Verification Report, at 3 (November 1, 1993).

The mixed bouquets produced by Flores de la Sabana consist of all covered flowers. This points up the absurdity of the position that mixed bouquets *per se* are not covered. According to this position, if two different covered flowers come in separately, they would be subject to the order, but if the two covered flowers are combined into a bouquet, they would not be subject to the order. As petitioner points out, when products subject to an antidumping duty order are combined or aggregated with other products, they are still covered by the order. See, *e.g.*, Final Result of Administrative Review; Drycleaning Machinery from West Germany, 50 FR 32154, 21156 (1985); and Preliminary Determination of Sales at Less Than Fair Value; Cellular Mobile Telephones and Subassemblies from Japan, 50 FR 24554, 24555 (1985).

As noted above, the ITC separated each flower type into different like products. However, the Department has always treated the subject merchandise (covered flowers) as one class or kind of merchandise. We cannot logically conclude that the inclusion of different flower types belonging to the same class or kind of merchandise hinges on whether those flowers are imported individually or grouped together in bunches or bouquets.

Finally, we agree with respondents that the use of BIA would be inappropriate for companies that did not provide sales data for mixed bouquets. Although some companies reported bouquet sales, we did not request these data in this review. Nevertheless, we are proceeding with

our final results because we have determined that an analysis of bouquet data would have a negligible impact on respondents' margins in this review. Based on a weight-averaged analysis of the companies that we verified, we find that both flowers sold to converters and those sold directly to the United States in mixed bouquets constituted only 1.66 percent of those respondents' total sales to the United States during the period of review. See Memorandum to the file dated March 7, 1994. Because the firms picked for verification represent a cross-section of all respondents, we conclude that these data would not vary significantly for respondents that were not verified. We also note that because Customs requires deposits on all subject flowers regardless of how they are imported (including those imported in mixed bouquets), our calculated duty rates will be also assessed on flowers incorporated in mixed bouquets. However, in subsequent reviews, beginning with the 1991/1992 review, we will request and analyze respondents' sales data for subject flowers incorporated into mixed bouquets.

Comment 2: The FTC asks that the interest rate used to calculate credit costs not be adjusted for currency devaluation, as was done in the preliminary results. The FTC contends that where there was actual borrowing to finance sales, the actual rates paid should be used, and that when a U.S. importer incurred the borrowing costs and no actual loans can be identified, a U.S. rate should be imputed. The FTC claims that prepayment of interest is frequent in Colombia, and where it is required, interest would have been paid in pre-devaluation pesos. The FTC asks that, because this practice is frequent, peso-denominated loans should be assumed to have had the interest paid in advance except where the record shows otherwise. The FTC argues that unless specific loans are related to financing accounts receivables, the Department should not relate gains from devaluation to those loans. Finally, the FTC argues that because the Department applies the exchange rate on a monthly basis, there is no need to "devaluate a peso interest rate".

The FTC asks that the Department use either the related importers' U.S. interest rate on actual borrowing or, when no borrowing is claimed, the average rate paid by other similar importers. The FTC also asks that the Department use the Colombian producers' interest rate on short-term borrowing, unadjusted for devaluation.

Asocolflores responds that the argument concerning prepaid interest is not relevant here because the respondents reported their actual effective peso borrowing rates, which were verified by the Department. Asocolflores also maintains that credit expenses are not actual but imputed expenses and thus impossible to relate to specific loans, and that these expenses are a calculation of opportunity costs. Finally, Asocolflores notes that imputed credit is calculated in terms of dollars, and thus does not obviate the need to account for devaluation. Asocolflores contends that it is entirely possible to have very low or even negative imputed credit expenses when the dollar appreciates against the peso at a rate approaching or exceeding the peso-denominated borrowing rate.

Department's Position: We agree with respondents. The respondents were instructed to report information concerning their actual short-term borrowing rate, whether that rate was in dollars or pesos. The credit expense is an imputed expense, not an actual expense, and is calculated and reported in U.S. dollars. Credit expense is the hypothetical cost to the flower producer for not receiving immediate payment for the U.S. sale. In reporting the interest rate, if a flower grower, or its related U.S. importer, had U.S. dollar borrowings, this rate was reported and used in the credit calculation. However, where there were no U.S. dollar borrowings, we used the actual peso borrowing rate, adjusted to reflect the fact that the credit expense was incurred in dollars and not pesos. We adjusted the peso by the rate of depreciation of the peso to the dollar during the POR in order to reflect the cost of borrowing in pesos to finance sales made in dollars. However, where no short-term borrowings were reported, we used the U.S. prime rate during the POR.

An unadjusted peso borrowing rate does not have any correlation to the cost of borrowing dollars or financing dollar expenses. It would make no commercial sense for a flower producer in Colombia to borrow at a 20 to 35 percent interest rate in Colombia when it could borrow in the United States at a much lower dollar interest rate, unless the dollar appreciates enough against the peso to offset the difference in interest rates. Thus, if the Department is to presume that a flower producer would borrow in pesos to finance U.S. dollar sales, we must use the real cost of borrowing, which includes the devaluation of the peso with respect to the dollar. It is the Department's practice to make monetary corrections in such circumstances. See, *e.g.*, Final Results of Administrative Review: Gray Portland Cement and Clinker From Mexico, 58 FR 25806 (April 28, 1993).

Comment 3: The FTC asks the Department to use the transaction values in the U.S. Custom Service's informational bulletins for consignment entries when calculating the assessment rate, the estimated duty deposit rate, and any percentage duty rate applied to consignment sales. The FTC argues that if the calculated U.S. price is used instead of the relevant values in the Customs bulletins, then there is a danger that antidumping duties will be undercollected.

Asocolflores responds that the above argument is irrelevant because the Department has previously assessed duties as a specific amount per stem or bunch as opposed to on an *ad valorem* basis and, from the preliminary results, appears to be set to do this in this review. While the Department calculates the cash deposit rate on an *ad valorem* basis, Asocolflores notes this rate is only an estimate used for deposit purposes and not actual duty assessments. Asocolflores argues that Customs obtains its pricing data by surveying importers and that the margins are as likely to be overstated as understated. Finally, Asocolflores contends that the FTC is asking the Department to unlawfully delegate its responsibility to Customs.

Department's Position: With respect to assessment rates for consignment sales, we will divide the total margin amount by either the U.S. Customs bulletin values or customs entered values derived from these bulletins to calculate an *ad valorem* antidumping assessment rate, or by total quantity and assess antidumping duties on a per unit basis. This would be consistent with the Department's practice of calculating assessment rates on the basis on which they are collected—entered value. See, *e.g.*, Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts From France et al., 57 FR 28362 (June 24, 1992). This methodology eliminates the potential undercollection of antidumping duties in instances when USP is greater than entered value and assessment rates are based on USP. However, we will continue to calculate estimated cash deposit rates on the basis of USP.

Comment 4: Petitioner argues that, while the questionnaire requires reporting of home market sales if the home market "export quality" sales of a particular flower type by volume are greater than five percent of sales of the same flower type to the United States and five percent of sales of the same flower type to other countries, the Department directed respondents to

base margin calculations on CV for all flower types sold regardless of whether the home market is viable for any flower. Therefore, according to the FTC, respondents have concluded that it is no longer necessary to report home market or third country sales. Furthermore, petitioner claims that although the Department did not consider the European market comparable to the U.S. market in prior reviews, it must reconsider its position in this review prior to rejecting home market or third-country prices as an adequate base for foreign market value. Finally, the petitioner states that the Department should require a complete reporting of all home market sales and third country sales of export quality merchandise in future administrative reviews.

Respondents counter that no flower company had a viable home market and that the Department rejected the use of third-country sales as the basis of foreign market value not because of viability, but rather because of the extraordinary circumstances of the industry.

Department's Position: We determine that none of the companies had viable home markets. Questionnaire responses on the record indicate that with the exception of one company, Las Amalias, nearly all home market sales are sales of culls. In the case of Las Amalias, the company sells export quality flowers to converters with the knowledge that these converters make mixed bouquets for export to the United States, which means that they are essentially U.S. sales. See our response to *Comment 1*, above. In those infrequent cases where export quality flowers are sold domestically, the buyers, essentially private street vendors, go to the farms on the chance that there are flowers available due to excess production. The availability of such flowers is unpredictable, and neither the growers nor the buyers can plan on these sales. The growers incur no sales expenses on these unpredictable sales and generally the buyers end up purchasing culls. See Cultivos Miramonte Verification Report (September 15, 1993), and Inversiones Targas Verification Report (September 20, 1993). Therefore, we continue to consider such sales to be not in the ordinary course of trade.

Furthermore, consistent with the final results of the second and third reviews, we determine that there continue to be fundamental differences between the U.S. and European markets (the major third country market for most companies) that support using CV as FMV instead of third country sales. See Final Results of Antidumping Duty Administrative Review: Certain Fresh Cut Flowers from Colombia, 55 FR 20491 (May 17, 1990), and Final Results of Antidumping Duty Administrative Review: Certain Fresh Cut Flowers from Colombia, 56 FR 50554 (October 7, 1991). In addition, the CIT upheld the use of CV in these circumstances. See *Floral Trade Council* v. *United States*, 775 F. Supp. 1492, 1497 (1991), appeal docketed, No. 94–1019 (Fed. Cir.).

There is no evidence on the record that the differences between the United States market and the European market have been eliminated. As described in detail in earlier reviews, the United States market continues to be one of peaks during traditional gift-giving holidays and valleys during the off-season while the European market is relatively stable throughout the year. Because of this price and volume volatility of the United States market as compared with the stability of the European market and other factors detailed in our determinations from previous reviews, we continue to consider third-country prices as inappropriate bases for FMV. However, if the FTC provides additional information supporting its contention that third country markets are an appropriate basis for FMV, we will consider such information in future reviews.

Comment 5: The FTC notes that in the preliminary results, the Department did not indicate whether it increased gross U.S. sales price by the amount of "other revenue" received on those sales. The FTC contends that in response to being asked to "[p]rovide any rebates of antidumping or other duties in a separate column" (ITA Quest. at G.I.–3), certain respondents have increased the U.S. price by the amount of antidumping duties included in the U.S. invoice price. The FTC argues that it is to the respondents' advantage to do so, as it allegedly reduces or eliminates the overall size of any dumping margin. The FTC asks that this be remedied by adjusting the U.S. price downward in all cases where the record evidence establishes that U.S. importers are not paying antidumping duties but are being reimbursed by the Colombian growers or exporters, in accordance with 19 CFR 353.26(a).

Asocolflores responds that importers have added a surcharge to the basic price of the flowers in order to account for the possibility of an additional antidumping duty liability. This surcharge is paid for by the first unrelated U.S. purchaser, and has nothing to do with actual duty assessments. Its only immediate effect has been to raise U.S. prices, and is in no way a "reimbursement" of assessed duties by the producer.

Department's Position: If an importer is being reimbursed by the seller for the payment of antidumping duties, it would be appropriate for the Customs Service to assess these duties again. However, because the item in question is a charge, not a rebate, no doubling of antidumping duties is mandated. Therefore, we have not adjusted USP downward as the FTC suggests, since the additional amount is part of the price the U.S. importer pays. If, upon liquidation, the appropriate certificate regarding reimbursement is not provided, Customs will make the necessary change in its assessment of the duties.

Comment 6: The FTC contends that allowing respondents to report amortized preproduction costs subjects the margin calculation to manipulation. The FTC claims that "[i]f a respondent expensed preproduction costs in the third review but amortized preproduction costs during the fourth review, preproduction costs would be understated." The FTC requests that the Department determine whether these costs have been properly reported over time.

Asocolflores responds that the respondents which amortized their preproduction costs did so in order to more accurately match costs with sales, and notes that the Department approved this methodology in the third review. Asocolflores claims that, if anything, expensing preproduction costs in one review and amortizing them in the next will result in double-counting of costs, which would be to the petitioner's advantage. Asocolflores also notes that the Department regularly does confirm that costs have been properly reported through verification.

Department's Position: We agree with Asocolflores. It is generally accepted accounting procedure in Colombia to allow firms to amortize or expense preproduction expenses. Therefore, we have accepted either methodology if that methodology was used by the firm in its normal cost accounting procedures. Furthermore, even if a firm chose to expense preproduction costs in an earlier period, this would not detract from the reasonableness of amortizing such costs in the current review. Finally, there are no respondents that expensed preproduction costs in the previous review who have now amortized such costs in this review.

Comment 7: The FTC claims that certain respondents have reported export documentation fees, export register charges, export license fees, and phytosanitary fees as indirect selling

expenses. The FTC argues that because these are shipment specific expenses attributable to specific sales, they should be included in freight charges, not indirect selling expenses.

Asocolflores responds that, in Colombia, export registers must be purchased and thus are charged at the purchase of the register, not when exports are made. This charge is made even if the register is not used, but if it is, a number of shipments can be reported on a single register. Therefore, the export register fee cannot be tied to specific exports and are thus indirect selling expenses.

Department's Position: Based on the evidence in the responses and our verification reports, we conclude that the expenses in question—export documentation fees, export register charges, export license fees, and phytosanitary fees—are selling expenses because they are incurred prior to movement of the merchandise and are not incident to transportation of the flowers. See Flores del Campo Verification Report at 8 (October 15, 1993) and Flores de Suba Verification Report at 2 (November 1, 1993). In addition, these expenses cannot be linked to particular sales. Therefore, we have treated these expenses as indirect selling expenses.

Comment 8: The FTC asks that the Department disregard respondents' claims that all of their short-term interest income is related to flower production. The FTC argues that the Department should determine whether a respondent has other businesses, and whether they have linked their interest income to accounts receivable on flower sales. The FTC claims that after such determinations have been made, only that interest income which is demonstrated to be related to flower production should be allowed as a direct offset to interest expenses in constructed value.

Asocolflores responds by claiming that all respondents demonstrated that interest income was related to flower production. Asocolflores notes that the example cited by the FTC, Santana Flowers Group, is engaged exclusively in flower production, and as a result, all interest income must be related to such production.

Department's Position: Only short-term interest income related to flower operations is allowed as an offset to interest expenses. We allow this adjustment to arrive at an effective short-term interest expense. For firms where we have determined that reported short-term interest income is not related to production of subject merchandise, we have disallowed that income. This is standard Department practice that has been followed in many cases. See *e.g.*, Gray Portland Cement and Clinker from Mexico; Final Results of Antidumping Duty Administrative Review, 58 FR 25805, *Comment 2* (April 28, 1993).

Comment 9: The FTC asks that the Department impute the highest reported royalty payment as the BIA for those respondents that either failed to report royalties or claim to have paid no royalties without explanation. The FTC argues that it is to the respondents' advantage not to report royalties on U.S. sales, and for that reason the burden should be on them to furnish evidence that they paid no royalties, or else a specific amount of royalties.

Asocolflores responds that companies did report royalty expenses, and in case where no royalties were paid, there is nothing to report. Asocolflores claims that the Department verified via sampling that the respondents answered truthfully, and contends that there is no further burden of proof on respondents with respect to this issue.

Department's Position: We agree with Asocolflores. There is no record evidence that Colombian flower producers were obliged to make royalty payments, and our verifications indicated no discrepancies in the reporting of royalties. In the absence of evidence suggesting that certain Colombian flower growers made unreported royalty payments, we cannot assume that such payments were made.

Comment 10: The FTC contends that when calculating U.S. selling expenses incurred in Colombia, some respondents allocated movement, selling, and production costs on the basis of the number of boxes shipped rather than sold (the FTC cites Cultivos Miramonte, Flores Colombianas Group, and Soagro Group as particular examples). The FTC notes that this approach was rejected by the Department during the original investigation. The FTC argues that the Department should recalculate the expenses, or use the highest reported freight and packing expenses as BIA.

The FTC also contends that because respondents seem to rely on boxes rather than reusable plastic containers to transport their flowers, and that because those boxes are necessary for the flowers to be transported, constructed value should include boxes in packing expenses as part of cultivation materials.

Asocoflores responds that the practice of allocating costs by boxes shipped is done to determine how to allocate the expense among customers. Whether the allocation is done by boxes shipped or boxes sold, the total freight costs will be the same. Because inland freight is incurred whether a box is sold or not, it is reasonable to allocate by boxes shipped.

Asocolflores claims that the case the FTC cites to support its argument regarding whether boxes and packing costs be included in cultivation expenses (see *Washington Red Raspberry Commission* v. *United States*, 657 F. Supp. 537, 542 (1987)) does not apply to fresh cut flowers. In the above-cited case, the product would be destroyed if not packaged in special containers. Flowers do not need to be shipped in the boxes, and because the boxes are nonessential, they should be considered a packing expense, not a production cost.

Department's Position: We agree with petitioner that movement, selling, and production costs should be allocated on the basis of boxes sold rather than boxes shipped. Because companies recoup their costs through sales, costs should be allocated on the basis of sales. See Certain Fresh Cut Flowers From Colombia; Final Results of Antidumping Duty Administrative Review, 55 FR 20491 (May 17, 1990). However, we checked the questionnaire responses of the companies cited by the FTC and found that they did in fact allocate the costs in question over sales. The FTC may be confusing the companies' quantification of these costs with the allocation of them. The companies properly quantified their costs on the basis of boxes shipped, because expenses are incurred on boxes shipped However, in determining the per unit cost, the expenses must be allocated over boxes sold, for the reasons stated above.

We disagree with petitioner's view that the cost of boxes used to ship flowers should be reported as cultivation materials. Boxes are used for transportation purposes only and are not part of the product. Therefore, they are correctly reported as packing costs.

Revocation for Condor and Colombianas

Comment 11: The FTC argues that the Department should not revoke the antidumping duty order with respect to imports from Flores Condor and Flores Colombianas. The FTC contends first that the two companies have not met the Department's regulatory requirement that a producer be found to have sold covered merchandise at not less than FMV for a period of at least three years. The FTC notes that data is not yet available for the period February 28, 1991, the end of the current POR, to December 14, 1993, the date of the preliminary determination to revoke, and argues that without these data, it

cannot be determined whether or not these producers have met this requirement. The FTC further argues that the Department's findings in the second administrative review (1988–1989) should be disregarded until the FTC's legal challenge of the review has been resolved. The FTC requests that the Department not rely on a certification to immediate reinstatement in the order if dumping is found after revocation.

Asocolflores responds that both Condor and Colombianas have met the tests for revocation, and that the FTC's claims that the data is "stale" are not relevant. Because the revocation is made effective at the end of the third consecutive POR, it is not necessary to examine sales after that review. Though the Department used to require such data, that was before a change in the test for eligibility for revocation. Further, Asocolflores notes that it has not been Department policy to await the results of appeals to grant revocation. Finally, Asocolflores characterizes the FTC's argument that the Department should not rely on certification as described above as a complaint with the Department's regulations, and not a concern regarding the eligibility of Condor or Colombianas for revocation.

Department's Position: We agree with Asocolflores that both firms have met the requirements for revocation. Under 19 CFR 353.25(a)(1)(i), the Department is required to find sales at not less than foreign market value for a period of at least three consecutive years. Our determination in this review that both companies had zero margins, combined with similar findings in the two prior reviews, satisfies this requirement. Although the regulations in effect prior to 1989 required a review for the period between the end of the consecutive-year base period and the tentative determination to revoke (19 CFR 353.54(f) (1988)), the current regulations have eliminated this requirement. In addition, it is not the Department's policy to delay granting revocation because of pending court appeals.

Comment 12: The FTC asserts that Flores Condor cannot establish that it sold covered flowers at fair value during the 1990–1991 period, because it failed to report all sales of flowers contained in bouquets during this period. The FTC suggests that Condor may be attempting to avoid the duty by re-packaging its flowers as bouquets. The FTC also claims that Condor has not demonstrated that it will not engage in dumping once the order is revoked.

Asocolflores responds that because the Department did not require Condor to report bouquet sales, Condor's response cannot be considered deficient. Furthermore, by pricing and production practices, Condor has demonstrated that it will not engage in dumping subject flowers in the future.

Department's Position: Although Flores Condor did not report United States sales of flowers sold in bouquets (because we did not specifically request this information), the value of such flowers incorporated into bouquets sold in the United States amounts to an insignificant portion of Condor's total United States sales. See Memorandum to the file dated March 7, 1994. Also, Condor has never made sales at less than fair value in the past. Considering these facts, and the lack of evidence supporting the allegation that Flores Condor may be attempting to avoid the duty by re-packaging, we have determined that Flores Condor sold subject flowers at not less than foreign market value during the current POR. Furthermore, we have determined that Flores Condor has demonstrated through its past pricing practices that it is not likely to sell subject flowers at less than fair value in the future. Therefore, we are revoking the antidumping duty order with respect to Flores Condor.

Comment 13: The FTC argues that the Department should recalculate Condor's preproduction costs. It claims that because Condor allocated its costs to all export quality flowers produced and not to flowers sold, the unit cost per flower sold is understated to the extent that all flowers were not sold. The FTC is also concerned that because Condor's cost accounting system expenses preproduction costs according to a projected, rather than actual figure, Condor's reported costs may be understated. The FTC also notes that Condor may not have properly allocated preproduction costs to the POR.

Asocolflores responds that although Condor allocates costs on the basis of flowers produced for internal reasons, it calculated constructed value by dividing total costs by flowers sold, and is therefore consistent with the Department's requirements.

Department's Position: We agree with respondent. We verified Flores Condor's preproduction cost calculation and found that the company allocated total preproduction costs by flowers sold, in accordance with the Department's requirements as stated in the questionnaire. Because firms cover their costs only through sales, we require allocations according to sales rather than production.

Comment 14: The FTC is concerned that Colombianas will serve as a conduit for flowers grown by other producers to evade the antidumping order. The FTC claims that this is already happening, and that Colombianas sells more flowers to the United States that it purchased from other producers than flowers that it produced itself. The FTC also claims that Colombianas has reported its flower purchases as direct material costs, and notes that those purchase prices may be below the suppliers' costs of production.

Asocolflores responds that the FTC is wrong in believing that Colombianas is acting or will act as a conduit for flowers from other firms. Asocolflores maintains that sometimes producers have a shortage of certain flowers and must purchase a small amount of them from other producers. Colombianas did have to buy carnations in 1990, but sales of carnations to the United States constituted an insignificant percentage of total sales to the United States. Respondent further states that it did not export more purchased flowers than produced flowers. Finally, such purchases were correctly reported as direct material costs. There is no evidence that Colombianas purchased flowers at below the supplier's cost of production, and in fact, the average value of purchased pompons is greater than Colombianas' own per unit cultivation costs.

Department's Position: We disagree with the FTC's claim that Colombianas is evading the antidumping order. First, although Colombianas does purchase a majority of its export quality carnations and minicarnations, the group is primarily a producer and seller of pompons and mums. See Colombianas' Questionnaire Response, at 25 (March 24, 1992). Colombianas' sales of carnations and minicarnations constitute an insignificant percentage of its total sales to the United States of within-scope flowers. See Flores Colombianas' Verification Report, at 3 (October 25, 1993). Also, Colombianas has consistently stated that its flower suppliers have no foreknowledge that these purchased flowers are destined for any specific export market. Second, the Department has not received any evidence that Colombianas has purchased flowers at below suppliers' cost of production. In fact, after surveying the average prices of flowers purchased from selected Colombianas suppliers, we found these average prices to be above the suppliers' respective constructed values for those flowers. Finally, if we receive information that Colombianas is serving as a conduit for other Colombian flower growers, we will take appropriate action, which could include reinstatement in the order

and referral to the U.S. Customs fraud division.

Comment 15: The FTC argues that the data Colombianas supplied in response to the questionnaire is inaccurate and incomplete and that, without further clarification, Colombianas cannot be shown to have ceased selling covered flowers in the United States at less than FMV. As in the case of Flores Condor, the FTC asserts that Colombianas has provided inadequate data because it failed to include sales of flowers packaged in bouquets. The FTC asserts that Colombianas has included sales of pompon cuttings in its reporting of sales of non-export quality flowers or culls, and argues that cuttings should be reported separately from culls. The FTC also notes that Colombianas' materials are expensed based on a weighted-average per unit cost, and asks that the Department not accept "average" costs unless they are adjusted by a variance to actual costs.

The FTC claims that Colombianas has departed from its usual accounting methodology in calculating its cost of production by amortizing preproduction expenses over the "productive portions of the plants' lifecycles." The FTC asks that, if Colombianas amortized its preproduction in the third administrative review, the Department not permit Colombianas to expense all preproduction costs without accounting for the amortized costs from the previous review. The FTC further ask that the Department carefully review the questionnaire responses to determine if all costs have been captured, and also confirm that they have been properly allocated to sales of the subject merchandise.

Asocolflores responds that it has argued earlier that bouquet sales do not need to be reported, and that no reporting them should not be the basis for applying a BIA rate. Also, Colombianas has demonstrated through its business practices that it will not engage in dumping in the future.

Asocolflores asserts that Colombianas has reported using cull revenue to offset cultivation costs in the four previous years and that no objection was raised at the time. Because all expenses associated with producing cuttings are included in its constructed value, Asocolflores maintains that it is appropriate to offset the cost of production by revenue generated from sales of those cuttings.

Asocolflores states that because materials are expensed on the basis of the actual weighted-average per unit costs, it is unnecessary to adjust average unit cost by their variance to actual costs, because there is no variance.

Asocolflores claims that the methodology used by Colombianas to calculate preproduction expenses is the same as that used in prior reviews, and that the Department has verified this methodology. Asocolflores also states that only one of the group's members amortizes preproduction costs while the rest of the group's members expense their preproduction costs.

Finally, Asocolflores states that the FTC's concerns that all costs have not been properly allocated are mistaken and that the FTC has misread the questionnaire responses. The Department has conducted verification of Colombianas' cost and found that all were correctly reported.

Department's Position: See our response to *Comment 1*, above, with regard to our handling of the issue of bouquets in this review.

We agree with Colombianas' reporting of cuttings revenue as part of cull revenue. Expenses related to cuttings production are included in Colombianas' constructed value; hence, an offset for revenue generated from the sales of these cuttings if appropriate.

We agree with Colombianas' expensing material costs based on a weighted-average actual per unit cost because these costs are calculated on an actual cost basis, which requires no variance adjustment. See Flores Colombianas' Verification Report at 7 (October 25, 1993).

We agree with respondent with regard to Colombianas' amortization of its preproduction costs for this review. The FTC misinterprets the statement from our verification report concerning the amortization of preproduction costs to mean all Colombianas group members. This statement refers to Flores Colombianas Ltda. and Agrosuba Ltda. Jardines de los Andes, another member of the Colombianas group, does amortize its preproduction costs. The Department's verification report states that "no preproduction costs are separately reported in the group's response because all costs are expensed in the month that the activity takes place." See Flores Colombianas' Verification Report, at 7 (October 25, 1993). We verified the group's preproduction expense methodology and found no discrepancies. Furthermore, Flores Colombianas Group's preproduction cost reporting methodology in this administrative review was clearly consistent with that reported in previous administrative reviews.

Finally, during our verification, we carefully reviewed Colombianas' source documents and accounting records, and we are satisfied that Colombianas captured all costs.

Other Company-Specific Comments

Comment 16: The FTC argues that Flores De Suba (Suba) has understated its U.S. sales in response to the questionnaire. First, the FTC claims that Suba has not reported flowers sold to the United States as components of bouquets. Second, the FTC asserts that Suba has sold its flowers to other Colombian exporters that have lower cash deposit rates. The FTC claims that Suba lists these flowers as third country sales, though it knows that the likely ultimate destination of these flowers would be the United States. Asocolflores responds that, as argued above, the criticism regarding bouquets is invalid. Asocolflores claims that there is no evidence that Suba knew or had reason to know that flowers sold to other producers would be sold in the United States. Furthermore, Suba does not have a "practice" of selling to other exporters, but only does so occasionally.

Department's Position: See our response to *Comment 1* with regard to our handling of the issue of bouquets in this review.

Second, Suba has always acknowledged that it has had sales of some export quality flowers to other Colombian flower exporters. However, Suba knows only that these flowers are destined for export, not specifically for the United States market. See Flores de Suba Questionnaire Response, at 1 (May 1, 1992). There is no evidence that the company has understated its U.S. sales in response to the Department's questionnaire.

Comment 17: The FTC asserts that Suba has included proceeds from the sales of excess wood and plastic as cull revenue. The FTC requests that the Department confirm that Suba has offset costs attributable to packing, and not total costs, in its constructed value calculation.

Asocolflores responds that the wood and plastic in question was for use in constructing greenhouses, and that this has been certified by the Department. Because greenhouses are used in the production of flowers, Asocolflores maintains that the Department correctly considered wood and plastic expenses to be an offset to total costs.

Department's Position: Suba stated in its response to the Department's questionnaires that its sales of excess wood and plastic were included in its cull revenue. Because we verified that these materials are used in general construction of greenhouses, we agree with respondent that these costs should be taken as an offset to total costs.

Comment 18: The FTC notes that Santana Flowers Group (Santana) sells some of its flowers under several separate brand names. The FTC requests that the Department inform Customs of all brand names under which Santana flowers are sold to ensure that antidumping duties are properly collected.

Asocolflores responds that brand names have nothing to do with the way in which flowers enter the United States. Customs' forms ask for the producer of merchandise, and Santana has reported itself as the producer.

Department's Position: We agree with Asocolflores that the use of brand names does not affect the assessment of antidumping duties on covered entries. Customs relies on information relating to the identity of the producer or exporter of this merchandise when liquidating entries according to our instructions.

Comment 19: The FTC claims that Santana has failed to support its calculation of the number of days between shipment and payment for the purpose of computing credit expenses on export sales prices. The FTC asks that the Department use the highest reported number of days between shipment and payment as BIA.

Asocolflores responds that Santana reported the appropriate number of days, but when asked by the Department at verification, Santana could not find the worksheet that it used to determine that number. Santana decided not to recalculate its credit expenses. Asocolflores maintains that Santana should not be penalized for this because the decision to report the higher number of days is to its disadvantage as it increases the amount of credit expenses applicable to U.S. sales.

Department's Position: We verified that the number of days between shipment and payment was less than that reported by Santana for its U.S. sales. The scenario described by Asocolflores is accurate. Santana chose not to recalculate its credit expenses, which would have increased USP and therefore been more favorable to Santana. As a result, we used Santana's overstated credit expense, which lowers USP and raises Santana's dumping margin, as originally reported in its response. See Santana Flowers Group Verification Report at 10 (October 13, 1993).

Comment 20: The FTC asserts that some of the data supplied by Santana is inaccurate. First, the FTC claims that Santana did not report flowers sold in bouquets. Second, because Santana has not reported royalty costs by flower type, the Department should use the highest reported royalty expense for each flower type as BIA. Finally, the FTC argues that the costs for destruction, spraying, and incineration, which were not reported by Santana, constitute a regular selling expense for the producer. The FTC requests that the Department confirm that Santana has reduced its U.S. price accordingly.

Asocolflores argues that the idea that different flower types will have different levels of royalties is mere speculation and not backed by evidence. Asocolflores notes that the royalties reported by Santana were verified by the Department, and the costs for destruction, spraying, and incineration were in fact reported in Table 1, Column AA of Santana's response.

Department's Position: See our response to *Comment 1*, above, with regard to our handling of the issue of bouquets in this review. Also, Santana did in fact properly report costs for destruction, spraying, and incineration in its response. We determined that Santana's royalty reporting methodology is acceptable.

Comment 21: The FTC asserts that some of the data supplied by Cultivos Miramonte (Miramonte) is inaccurate. First, the FTC claims that Miramonte may have routed subject flowers through a related firm, and asks that the Department confirm whether or not such routing took place. Second, Miramonte claimed bank fees for the conversion of U.S. dollars to Colombian pesos as indirect selling expenses. The FTC argues that because such payments directly correspond to a sale of subject merchandise, thee fees should be treated as direct selling expenses. Third, Miramonte has treated its Colombia Flower Council fees as "other expenses," and the FTC asks that the Department ensure that these fees are treated as U.S. selling expenses. Finally, the FTC is concerned that Miramonte may have included the sales of cuttings in the cull revenue as an offset to constructed value, and asks that the Department ensure that this is not the case.

Asocolflores responds that Miramonte sold only cuttings to a related firm, and that because Miramonte has a zero cash deposit rate, there was no need to avoid payment of deposit rates. Second, because Miramonte receives payment in lump sums, conversion fees cannot be tied to any specific sales, and thus are correctly reported as indirect selling expenses. Third, Miramonte's Colombia Flower Council fees were reported in Table 1, Column AA. Last, Asocolflores characterizes the FTC's assertion that Miramonte may have included the sale of cuttings in the cull revenue as speculation, and maintains that the Department has verified otherwise.

Department's Position: We agree with Asocolflores regarding the FTC's allegation that Miramonte sold covered flowers to the United States through a related firm. We found no evidence at verification to contradict Miramonte's claim that only cuttings were sold to its related firm. Second, because bank fees are paid in lump sums and do not necessarily correspond to the sales made in a particular month, we have treated them as indirect selling expenses. Third, although these fees are reported under "other expenses," this item is combined with U.S. selling expenses and both items are subtracted from U.S. price and subject to offset. Finally, we disagree with petitioner that Miramonte included in its cull revenue the sale of cuttings. We found no evidence at verification to support petition's claim.

Comment 22: The FTC requests that the Department reject Flores Cajibio's (Cajibio) allocation methodology for general and administrative expenses. The FTC claims that Cajibio reported these as indirect sales expenses by surveying the time that administrative personnel spent on export sales for one week. The FTC notes that the month in which the week occurred could affect the amount of time attributable to sales activities. The FTC also wonders how Cajibio could assume that its administrative staff spent only 20 percent of its time on activities related to U.S. export sales when the U.S. market accounts for a large percentage of Cajibio's sales for all flowers. The FTC argues that the Department should assume that all general and administrative expenses were U.S. selling expenses as BIA.

Asocolflores responds that because there are a number of administrative and management personnel who are not involved with selling, it is not unreasonable for a firm to have only 20 percent of administrative personnel engaged in this activity.

Department's Position: We agree with the FTC that Cajibio failed to established that its allocation methodology for quantifying indirect selling expenses was representative of how these costs related to sales activities during the entire POR. Because Cajibio indicates in its response that all administrative personnel spent time in communications for U.S. sales, we have classified all general and administrative expenses incurred in Colombia and attributable to U.S. sales as indirect selling expenses.

Comment 23: The FTC asserts that Cajibio deducted air freight expenses

from its "production expense," claiming their air freight is paid for by the importer in the United States. The FTC claims that it is not clear that air freight has been included in Cajibio's response, whether paid for by Cajibio or the importer. The FTC argues that the Department should use the highest reported air freight expenses as BIA.

Asocolflores responds that these data were reported in Table 1, Column AF, and that it was correctly excluded from production expenses.

Department's Position: We agree with Asocolflores that Cajibio accounted for air freight expenses under "other charges" of Table 1 of its May 7, 1992, response.

Comment 24: The FTC asserts that Cajibio claims to post all expenses to the record as they occur, and not to amortize them over the useful life of the product, yet in its supplemental response Cajibio indicated that it depreciated all its assets based on the useful life of each product taking into account the purchase value of the asset. The FTC argues that as it is unclear how Cajibio accounted for its assets with a useful life of over one year, the Department should use the highest reported depreciation costs as BIA.

Asocolflores responds that amortization is performed on expenses and that depreciation is performed on assets; therefore, there is no contradiction here.

Department's Position: We have determined that there is no inconsistency in Cajibio's decision not to amortize certain expenses and to depreciate its assets, because amortization of expenses applies to intangible assets and deferred charges, and depreciation applies to fixed assets. Therefore, Cajibio's treatment of amortization expenses has nothing to do with depreciation.

Comment 25: The FTC claims that Cajibio has not explained how it distinguished costs directly attributable to open field grown yucca plants from those attributable to plants grown in greenhouses. Furthermore, according to the FTC, Cajibio claims not to keep records of the amounts of fertilizer used, and conducted a two-week study to make a determination of fertilizer consumption. The FTC asserts that this study did not account for the stage of production or the growing seasons, and argues that because the study is not representative, the Department should instead use relative area under cultivation to reallocate those costs.

Asocolflores responds that most producers are able to identify those materials used only in the production of one type of product, that Cajibio used its best efforts to determine the allocation of fertilizer, and that, therefore, the FTC's allegations are unfounded.

Department's Position: The evidence on record from Cajibio's responses indicates that the firm, for the most part, kept product-specific cost records. However, with respect to certain costs such as fertilizer expenses, Cajibio had to use its best estimates based on work surveys to quantify the expense in questions. Based on our analysis of the factual information in Cajibio's responses, including the amount of land devoted to open field yucca production and the number of flower beds devoted to production of various types of flowers, we find Cajibio's estimates to be reasonable.

Comment 26: The FTC argues that the Department should recalculate Cajibio's packing and box expenses for the POR, as Cajibio's figures may be inaccurate. First, Cajibio reported that it had a "negative cost of packing" in some months because it used the boxes before the POR but accounted for the expense during the POR. The FTC argues that if this is so, the cost of packing should be zero or equal to the amount of expenses incurred during the POR. Second, Cajibio should not be allowed to reduce box expenses by the amount of box charges collected by its related consignee because the consignee also sells Ecuadorian flowers. Third, Cajibio should not be allowed to make an expense adjustment for boxes that were later sold to Ecuador, and thus "do not belong to Flores Cajibio." Finally, the FTC claims that Cajibio calculates its packing labor costs by multiplying an average labor cost by two to account for the fact that they have two packers, and argues that Cajibio should simply use the actual salaries of the two workers.

Asocolflores responds that the apparent anomaly of negative packing expenses in certain months is a result of the use of actual monthly expenses. Second, Cajibio did not reduce box expenses, it included the charges in Table 1, Column I of its May 7, 1992, response. Third, boxes shipped to Ecuador are not a part of the cost incurred on shipping flowers to the United States, so the costs of these boxes were not included. Finally, Asocolflores argues that the FTC's assumption that Cajibio employed the same two workers in packing for the entire review period is not the case, and because all labor costs not included in packing are included in direct production costs, there is no distortion.

Department's Position: Cajibio did report negative packing totals for certain months in Table 4C of its May 7, 1992, response. However, in this same response, Cajibio recalculated packing expenses by using a weighted-average per unit packing charge based on total packing charges during the POR and these final figures were used for comparison purposes.

We find that Cajibio properly accounted for its box charges and was correct in reporting only expenses that were incurred on U.S. sales. Finally, we agree with Asocolflores that using an average per worker salary to calculate packing labor is reasonable because the workers assigned to packing are rotated.

Comment 27: The FTC asks that the Department reallocate reported air freight costs for Flores Aguila Ltd. (Aguila) because Aguila allocated the costs according to the number of boxes shipped, not the number of boxes sold, as should have been done.

Asocolflores responds that as long as total air freight costs are reported, how they are allocated does not matter. See *Comment 10*, above.

Department's Position: We disagree with the FTC. As Flores Aguila explained in its response, air freight charges are incurred on flowers shipped. Therefore, Flores Aguila allocated its air freight charges among flower types based on relative quantities shipped in order to derive the total air freight expenses for each flower type. See Flores Aguila section C Questionnaire Response, at 6 (April 23, 1992), and Flores Aguila Supplemental section C Response (October 3, 1993). Flores Aguila then reported these air freight costs in its U.S. sales worksheets. These were divided by flowers sold and deducted from U.S. price. Thus, we accepted Flores Aguila's methodology.

Comment 28: The FTC argues that the Department should not accept some of the data Aguila supplied in response to the questionnaire. First, the cost data allocated on the basis of cultivation area should be rejected, given several inconsistencies, and re-allocated according to relative cultivation area. Second, because Aguila appears to have failed to report certain costs, the highest reported cost of materials should be used as BIA. Finally, because Aguila failed to specify the type of packing materials used for sales and failed to explain its allocation methodology for these costs, the Department should either require that Aguila supply this information or resort to the highest reported packing costs as BIA.

Asocolflores responds that it is impossible for a firm to account separately for the thousands of purchases of materials made during the POR and that some summarization is necessary. Asocolflores also claims that documentation of this information is

usually provided at verification and not in a questionnaire response.

Department's Position: The FTC's allegations are speculative in nature and do not establish inconsistency in Aguila's response. For example, the FTC notes a discrepancy between the ratio of area in hectares under cultivation for each flower type and the ratio of the number of flower beds planted for each flower type. These ratios are only slightly different. More significantly, there is no reason that the area under cultivation for each flower type as measured in hectares should be exactly the same as the area when measured according to the number of flower beds because the size of the flower beds may vary by flower type.

With respect to Aguila's cost of materials, the information submitted conforms to the format of the questionnaire that the Department issued to all respondents in this review. Although Aguila does summarize all costs found within each category of expense found in the questionnaire format, there is no evidence on the record that Aguila failed to report all costs.

Finally, with respect to packing materials, our questionnaire did not require a detailed listing of all packing materials used by Aguila. Instead, Aguila was instructed to report the total of all costs of packing or otherwise preparing the merchandise for shipment to the United States customer. Because Aguila followed the format of the questionnaire with respect to packing costs, we find no reason to reject the firm's packing costs.

Comment 29: The FTC asserts that Daflor has failed to describe its material or labor costs, failed to provide worksheets illustrating the allocation methodologies used to report these costs, and failed to support the indirect selling expenses reported. The FTC argues that absent further clarification, the Department should use the highest reported costs and indirect selling expenses as BIA.

Asocolflores responds that not all companies distinguish among all costs incurred, and that total itemization is not required by the Department. Furthermore, Asocolflores maintains that most Colombian producers have relatively low indirect selling expenses because sales are usually handled for them by their importer.

Department's Position: Daflor's initial questionnaire response was deficient in that it did not identify the components of its material and labor costs, did not explain its allocation methodology, and did not identify the components of its indirect selling expenses. However, in the supplemental response of October 4, 1993, Daflor corrected these deficiencies. Therefore, we have not resorted to BIA with respect to Daflor.

In addition, because Daflor has related and unrelated importers in the United States that take care of all of its sales-related activities, it is reasonable for Daflor's indirect selling expenses incurred in Colombia to be relatively small.

Comment 30: The FTC argues that the Department should reject some of the data supplied by the Soagro Group (Soagro). First, Soagro purchases cuttings from another related company, but has not established that the prices used are at arm's-length or greater than arm's-length pursuant to 19 U.S.C. 1677b(e)(2) & (3). In this case, the Department should use the highest reported material costs as BIA. Second, Soagro imports some mother plants from Holland, yet does not report any royalty expenses. The FTC argues that the Department should impute an amount for royalty expenses as BIA. Finally, Soagro's crop adjustment methodology may be resulting in the improper elimination of preproduction costs during the POR. The FTC asks that the Department expense all preproduction costs in the POR or use BIA.

Asocolflores responds that the first two points are speculation on the part of the FTC, and that there is no evidence to support them. As for preproduction costs, Asocolflores explains that the value of the increase in cultivated area is in effect amortized and distributed to the next year, but it is also included in the material, labor, and indirect costs reported in the next year's responses. While this is different from the methodology of other companies, Asocolflores observes that it was used by Soagro in the previous review.

Department's Position: We agree with Asocolflores. Because Soagro purchases cuttings from only a related party, it was not possible to conduct an arm's-length test based on purchases made by Soagro. However, we compared the price of Soagro's related party purchases of cuttings to other flower companies' unrelated purchases of cuttings. We found that Soagro's prices were on average equal or higher. Although Soagro purchases mother plants from Holland and does not report any royalty expenses, there is no evidence that Soagro incurs royalty expenses. As for the preproduction costs, the value of the increase in cultivated area is in effect amortized and distributed to the POR and to following years. We have accepted this methodology in previous reviews as reasonable.

Comment 31: The FTC claims that Flores Del Campo Ltda. (Campo) has included in its total U.S. shipments value the quantity and value of flowers that are ultimately shipped to Canada through Miami. The FTC argues that this may distort the margin percentage and that Canadian sales should be excluded.

Asocolflores responds that because Customs cannot distinguish between those flowers coming into Miami that are destined for Canada and those destined for the United States, it assesses a cash deposit and, ultimately, a duty on them all. Asocolflores argues that the Department should take this into account by including the volume and value of Canadian sales when calculating Campo's per unit assessment rate. If this is not done, Asocolflores asserts that the correct amount of duties will not be collected.

Department's Position: With respect to consignment sales made by Flores del Campo to its U.S. agent, certain flowers were entered into the United States but ultimately sold in Canada. Because there were no U.S. sales prices for these sales, we calculated Flores del Campo's antidumping margin based only on entries of subject flowers from Flores del Campo that were entered and sold in the United States. Flores del Campo's deposit rate is based only on U.S. sales because at the time of entry, we do not know which, if any, flowers will be sold in Canada. That is, the cash deposit rate is equal to the total dumping duties due on sales in the United States divided by only the sales value of flowers sold in the United States. However, because Flores del Campo's antidumping duty assessment rate will be applied to entries of flowers sold in both Canada and the United States, and because we know which flowers were sold in Canada during the POR, we have factored into the assessment rate Canadian sales totals to prevent over-collection of antidumping duties. That is, the assessment rate is equal to the total dumping duties due on U.S. sales divided by all flowers entered into the United States, including those ultimately sold in Canada.

Comment 32: The FTC claims that Campo reported a total cull revenue for the POR that was different from that reported in its financial statements for 1990 and 1991. The FTC argues that the Department should reject Campo's offset to cost of production for cull revenue because of this discrepancy.

Asocolflores states that the Department has verified that the amount reported by Campo is correct.

Department's Position: We agree with Asocolflores. Although we find that

there is a difference between the amount of cull revenue reported in the financial statements and the amount reported in Campo's response, during verification we inspected Campo's cull revenue records and found Campo's response to be accurate. See Flores Del Campo Verification Report (October 17, 1993).

Comment 33: The FTC argues that the Department should not accept data from The Bochica Group unless it has been specifically verified. According to the FTC, the Department found Bochica/Floral's response to have many errors, and while those may have been corrected, the FTC questions the accuracy of the rest of the data.

Bochica/Floral responds that the FTC has exaggerated the extent of the errors found in the response. Many of the errors cited were not errors at all, and those that were errors were very small, often amounting to a variance of less than one percent. Bochica/Floral notes that the Department's verification report makes it clear that Department officials regarded the response to be accurate.

Department's Position: We agree with Bochica/Floral. We thoroughly verified the company's response and found its data to be accurate. See Bochica/Floral Verification Report (October 8, 1993). The discrepancies found at verification were corrected on site and in subsequent submissions made by Bochica/Floral. Because the verification process involves spot-checking data submitted in the response, and because we found the verified data to be essentially accurate, we have no reason to question the accuracy of the rest of the data submitted.

Comment 34: The FTC asserts that Bochica/Floral did not report all applicable royalty expenses. The FTC asks that the Department reject Bochica/Floral's figures and instead use the highest reported royalty expenses as BIA.

Department's Position: We disagree. At verification, we determined that Bochica/Floral accurately reported royalty expenses.

Comment 35: The FTC contends that Bochica/Floral may not have included expenses related to its Meristem Laboratory in its response. It is also unclear to the FTC whether all expenses for cuttings have been properly included. In addition, Bochica/Floral claimed to have no R&D expenses during the POR, but that any research "skills" involved were included in "production." The FTC requests that the Department confirm that the above expenses were included in Bochica's response.

Bochica/Floral responds that Meristem did not produce cuttings in commercial quantities until after the POR, and that expenses associated with start-up operations during the POR were included in the direct material costs.

Department's Position: We verified that the Meristem laboratory did not produce cuttings in commercial quantities until after the POR and that the expenses associated with the start-up operations are included in the direct material costs. See Memorandum to File dated March 14, 1994.

Comment 36: The FTC requests that the Department reject Floralex's claim that interest income should be used to reduce interest expenses, as Floralex has not demonstrated that the short-term interest income is related to flower production.

Floralex responds that it is in the business of producing flowers, and that it is thus reasonable to assume that short-term interest income is related to flower production. Moreover, the Department never asked for more details about this income, nor did it bother to verify the response, and it would be unfair to penalize Floralex for failing to provide information it was not asked to supply.

Department's Position: Floralex reported its interest income as revenue directly related to flower production. There is no evidence on the record, nor has petitioner provided any, contradicting Floralex's reported interest income. Therefore, we have accepted Floralex's claim as stated in its response and have adjusted the company's short-term interest expenses by its interest income.

Comment 37: Petitioner requests that the Department resolve a number of inconsistencies in Flores Marandua's (Marandua) questionnaire response. Petitioner maintains that Marandua has not reported freight expense from the farm to the airport in its U.S. sales listing, nor has it reported direct or indirect selling expenses, though it sells through a related importer. Petitioner further states that Marandua has not reported all of its cultivation costs, and that it has not itemized material, labor or indirect costs. Petitioner also argues that Marandua has not explained why it accounts for a negative "last period amortization cost" for every month during the review period.

Department's Position: Marandua did not incur an inland freight (from farm to airport) expense because an independent cargo agent commissioned by the air carrier picked up Marandua's flowers and delivered them to the airport at no cost to Marandua. Marandua's U.S. selling expenses are incurred by its related importer in Miami, and these expenses are captured by the commission expense reported by Marandua. Marandua's reported material, labor, and indirect costs were acceptable. Finally, what the petitioner refers to as "negative" amortization cost are not negative costs at all, but additions to cost that generally pertain to overhead.

Comment 38: The FTC asserts that the Department's analysis memorandum was incorrect in that it indicated that an adjusted peso borrowing rate was used to calculate credit expenses for Flores Arco Iris (Arco Iris). The FTC further states that the actual rate used by the Department was the U.S. prime rate during the POR.

Department's Position: We agree. Because Arco Iris had no dollar or peso short-term borrowings during the POR, we used the U.S. prime rate to calculate credit expenses for the firm.

Comment 39: The FTC claims that the Department should reject Flores Tomaine's and Becerra Castellanos's questionnaire responses as materially deficient because neither company clearly stated in their responses that they sold subject flowers to the Flores Colombians Group during the POR. The FTC claims that the Department should therefore apply a BIA rate to these companies.

Department's Position: We disagree. Becerra Castellanos reported these sales as third country sales, which is not inconsistent with Colombianas' claim that its suppliers do not have foreknowledge as to which export market their flowers are sent. Although Flores Tomaine did not report these sales in its response, we do not explicitly require a detailed reporting to third country sales. Because Tomaine did not have foreknowledge that this merchandise was destined for sale to the United States, and foreign market value is based upon CV, not home market or third country sales, the issue of Tomaine's reporting these sales is moot. In addition, the average prices of Flores Tomaine's and Becerra Castellanos's carnation sales to Colombianas were above their CV. For these reasons we conclude that BIA is not appropriate in this case.

General Issues Raised by Respondents

Comment 40: Asocolflores protests the Department's assignment of 72.35 percent as the BIA rates for Flores Mountgar (Mountgar) and Flores Estrella (Estrella). Asocolflores claims that neither firm was able to respond to the Department's questionnaire for the POR (1990–1991). Mountgar had been liquidated, and Estrella was on the verge of liquidation at the time they received the Department's questionnaire. Though

not actually out of business, Estrella had no means to reply to the request as it had no money to obtain legal or accounting help.

Asocolflores argues that, in accordance with the Court of Appeals for the Federal Circuit's decision on *Allied-Signal Aerospace* v. *United States*, 996 F.2d. 1185, 1193 (Fed. Cir. 1993), the Department should not have used first-tier BIA, i.e., the highest rate found for any company in any prior review or the current review, because neither company was able to respond. Instead, the Department should have used the second tier, i.e., either the highest rate ever applied to the company in question or the highest rate applied to any company in the current review.

Asocolflores argues that using the 72.35 BIA rate for the two companies as components of the sample group rate unfairly penalizes the other companies in the sample. Asocolflores asserts that the 72.35 rate was not even calculated by the Department, but was a figure cited by the petitioner in the original petition, which included flower types not included in the antidumping duty order. Because neither company was able to respond, and because the 72.35 rate was not a figure calculated by the Department, Asocolflores maintains that it should be discarded. Asocolflores suggests assigning the BIA rate for both companies on the basis of the highest rate calculated for a company in the current review, in this case, 7.56 percent.

The FTC responds that the BIA rate used in the preliminary results was appropriate. The FTC asserts that 19 U.S.C. 1677e(b) specifically provides for use of the petition's rate as BIA, that the Department's standard practice is to apply a first-tier BIA rate to companies that do not respond to the questionnaire, and that this choice of BIA is consistent with its choice in the original investigation. The FTC claims that Mountgar and Estrella have failed to support their claims of bankruptcy, and that, in fact, both companies still exist according to readily available information from public sources. The FTC contents that both companies apparently continued to ship subject flowers during the 1992–1993 POR. Not only did both companies not respond to the Department's questionnaire, the FTC observes that neither reported experiencing difficulty until after the Department chose them for inclusion in the sample group. Finally, the FTC rejects the argument that *Allied Signal* v. *United States* applies in this case, as that case was one of a respondent that was unable to provide a complete response but offered what information it could provide, whereas neither Mountgar nor Estrella made an attempt to provide any information.

The FTC suggests that the Department use the 72.35 percent BIA rate, or, if it must apply the second tier, that it use the highest rate ever applicable to the firm from either the investigation or any prior review, and not the highest rate applicable to another firm in the current review. Because Mountgar was assigned a rate of 43.02 percent during the third review, the FTC asserts that this rate should be applied if the Department relies on second-tier BIA.

Department's Position: We have reconsidered the use of first-tier BIA for Mountgar and Estrella. In the preliminary results of review, we solicited comments on our proposal concerning the appropriate BIA rate to apply to companies that exported during the POR but that later went out of business. Based on our proposal and the comments received, we sent questionnaires to Asocolflores and the Colombian Government Trade Bureau regarding the status of the two companies. Asocolflores responded with a sworn declaration from its international manager.

With respect to Mountgar, Asocolflores stated that it was unable to contact any former representatives of the company, that the company did not resume operations after October 1990, that the company's plants (*i.e.*, flowers) were left unattended or destroyed, that the land owned by the company and the greenhouses on that land were sold to a group of investors unrelated to the former owners of Mountgar, and that the new owners planted only roses (not subject to the order) in the greenhouses formerly owned by Mountgar. Asocolflores also confirmed with the Colombian Customs Agency, DIAN, that Mountgar registered no exports of flowers to the United States or any other country after 1990. See "Declaration of Maria Isabel Patino" submitted in a letter to the Department from counsel for respondent dated March 3, 1994.

The information provided by Asocolflores comports with that provided by the assistant general manager of Mountgar at an earlier stage of this administrative review. See "Declaration of Luis Hernan Garcia" submitted in a letter to the Department from counsel to respondent dated May 7, 1992.

With respect to Estrella, Asocolflores stated that the company went out of business when its two former owners left Colombia and that Estrella is currently undergoing certain legal procedures that must be followed before a company can be officially dissolved. On January 12, 1994, Asocolflores received a communication from the Colombian Circuit Court confirming that Estrella's assets are being liquidated in a proceeding called a "concordato." Asocolflores explained that, under Colombian law, a concordato is an official liquidation procedure, not a reorganization proceeding, by which a court oversees the final distribution of the company's assets to its creditors. Because Asocolflores is a creditor of Estrella, it received the official court notice. Asocolflores stated that, as a creditor of Estrella, it understands that there are virtually no assets to distribute and that Estrella rented, rather than owned, the land on which it produced flowers. Finally, Asocolflores reported that Colombian Customs (DIAN) confirmed that Estrella did not register any exports of flowers to the United States or any other market after 1992. See "Declaration of Maria Isabel Patino," *supra.*

This information comports with that provided by Estrella's then general manager at an earlier stage of this administrative review. See "Declaration of Augusto Hoyos" submitted in a letter to the Department from counsel to respondent dated May 8, 1992. This declaration indicated that Estrella would file a request for a "concordato" on May 12, 1992. In addition, the declaration stated that Estrella's related importer, Airport Floral, was liquidated in July 1991, that since 1990 Airport Floral stopped making payments to Estrella, or made only partial payments, and that as a result Estrella had to lay off 40 employees.

In choosing an appropriate BIA for these two companies, we focused on the following factors and how they applied to the two companies at the time they received our questionnaires (in this case, March 4, 1992): The extent to which the companies continued to operate, including current production and export levels, the number of persons employed by the firms, the disposition of the companies' assets, the relationship of the companies to other exporters continuing in business, the current legal status of the bankruptcy, liquidation, or reorganization proceedings, and the potential for reorganization (including the likelihood that the companies would resume production and exports).

The record evidence indicates that Flores Mountgar ceased production and exports well before the end of the POR, that it was in liquidation proceedings at the time it received the Department's questionnaire, and that the company's assets were sold to unrelated parties

who subsequently produced merchandise not subject to the order. According to Asocolflores, under Colombian law, all of the resources of a company involved in liquidation proceedings must be devoted to satisfying creditors. Based on this information, we conclude that Flores Mountgar was incapable of responding to our questionnaire.

With respect to Flores Estrella, the record evidence indicates that, at the time the company received the Department's questionnaire, it had not yet entered into liquidation proceedings and that the company's assets had not yet been disposed of. In fact, a Colombian court did not issue official notification that the company's assets were to be liquidated until January 4, 1994—almost two years after the company received our questionnaire. Although the former general manager of Estrella reported in May 1992 that the company had to lay off 40 employees, he gave no indication of the number of employees remaining, nor did he suggest that the remaining employees were monopolized by the bankruptcy proceedings. Moreover, Colombian Customs indicated that Flores Estrella ceased exporting only as of the end of 1992, which is nine months after the company received our questionnaire. This indicates that Estrella most likely continued to operate at the time it received the Department's questionnaire.

Based on this information, we cannot conclude that Flores Estrella was incapable of responding to the questionnaire. Nonetheless, we recognize that the company was subject to financial and personnel constraints at that time. In his declaration, then general manager of Estrella indicated that Estrella requested its U.S. importer to provide to the Department information regarding U.S. sales. He stated, "If the Department so agrees, Flores Estrella would be willing to make an effort and provide partial information regarding constructed value and U.S. price according to what I stated above." See "Declaration of Augusto Hoyos," *supra*.

The record demonstrates that the Department did not respond to this suggestion and that the Department did not request any additional information regarding Flores Estrella until February 24, 1994. By this time, liquidation proceedings with respect to Estrella had already begun. Thus, in February 1994, Flores Estrella was in circumstances similar to those of Flores Mountgar in March 1992, and similar to those of the respondent that was the subject of the CAFC's decision in Allied Signal, *supra*, (cooperative BIA to be applied to respondent incapable of providing complete response but which provided partial response consistent with company's limited resources).

For these reasons, we have determined that second-tier BIA rates are appropriate for both companies. Second-tier BIA rates comprise the higher of (1) the highest rate ever applied to that company from any prior review or the LTFV investigation, or (2) the highest rate calculated for any other company in the current review. See Final Results of Antidumping Duty Administrative Review; Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts From France, et al., 57 FR 28379 (June 24, 1992). We are applying a BIA rate of 7.56 percent, the highest rate calculated in this review, to Flores Estrella. We are applying a BIA rate of 43.02 percent to Flores Mountgar, the highest rate that this company has received in any previous review. In reaching this decision, we were not persuaded by petitioner's claim that Estrella and Mountgar continue to exist as flower producers and exporters. Petitioner's information is circumstantial and conjectural. With respect to petitioner's claim that these firms "apparently" continued to ship flowers subject to the order during the 1992–93 POR, the absence of a statement of no shipments during either POR is not evidence of sales during the POR.

Comment 41: Asocolflores argues that because Mountgar and Estrella are no longer in business, they should be excluded from the sample group for purposes of calculating the sample group rate. Asocolflores notes that because they are out of business, neither company will be penalized by the rates, but that all of the other "innocent" companies in the sample will be penalized. Asocolflores requests that the Department exclude the two companies from the sample. If that is impossible, Asocolflores asks that the Department assign BIA rates at 7.56 percent.

Asocolflores enumerates reasons why Mountgar and Estrella should be excluded from the sample. First, the sample is required to be "representative of the transactions under investigation" (19 U.S.C. 1677f–1(b)), and a BIA rate cannot be considered to be representative. Second, the use of the BIA rates would violate the Department's practice of not basing sample, average, or "all other"-type rates on BIA information, especially when there are reasons for non-cooperation.

The FTC responds that Mountgar and Estrella should be incorporated in the sample. The FTC claims that because both companies did not respond to the questionnaire, it is impossible to know whether 72.35 percent is representative Furthermore, the FTC asserts that it is not uncommon for there to be a certain percentage of companies on the verge of going out of business in any industry, especially when there are many firms in that industry. Finally, the FTC also contends that there is precedent and judicial endorsement of the use of BIA rates in samples.

Department's Position: The inclusion of BIA rates in a sample group rate cannot *per se* be prohibited. If it were, we would have to keep picking companies for a sample until we had only companies that would submit complete, verifiable responses. This would be administratively unfeasible because, at the time we chose the sample, we would not know which companies were willing and able to produce complete responses. More importantly, to choose in such a selective fashion would constitute a corruption of the integrity of the original random sample. Such corruption would violate 19 U.S.C. 1677f–1(b), which, as respondents point out, requires that a sample be representative.

We disagree with Asocolflores that, because Estrella and Mountgar are out of business, they should be excluded from the sample group. The sample group represents the universe of all growers and resellers that exported to the United States during the POR. Because Estrella and Mountgar exported during the POR, they are part of that universe. Regardless of what happened after the POR, nothing can change the fact that they are, and always will be, part of that universe. In selecting the sample, we cannot tamper with the population that the sample represents, nor can we tamper with the randomness of the sample selected. If we were to pick and choose firms selected at random for the sample based on qualitative factors, that sample would no longer be representative.

The selection of BIA and the selection of a sample are entirely unrelated issues. Respondents have objected to our selection of BIA for Estrella and Mountgar, and we dealt with their concerns in our response to *Comment 40*. Once we determine that appropriate BIA for the two firms, we cannot accept the proposition that the chosen BIA is suitable for one purpose but not another. Having reasonably determined the appropriate BIA for Estrella and Mountgar, having inescapably concluded that Estrella and Mountgar are part of the sample universe, and having randomly selected Estrella and

Mountgar for the sample group, we conclude that the BIA rates for the two firms must be included in the sample group.

We disagree with respondents that the Department has a practice of not basing sample rates on BIA. In many cases, we have included BIA in our sample rate calculations. See *e.g.*, Sweaters Wholly or in Chief Weight of Man-Made Fibers from Hong Kong, Preliminary Results of Administrative Review of Antidumping Duty Order, 58 FR 63913 (December 3, 1993). With respect to all other rates, while the Department did have a practice of not including BIA in the all others rates established in administrative reviews, the all others rate is not generally established in the LTFV investigation and remains in effect throughout the life of the proceeding. The all others rate from the LTFV investigation may include BIA rates.

Comment 42: Asocolflores contends that the Department lacks the legal authority to sample among companies. Asocolflores claims that the statute by which the Department claims such authority, section 777A of the Tariff Act, 19 U.S.C. 1677f–1, limits sampling to instances involving either "a significant volume of sales" or "a significant number of adjustments to prices," and that it does not extend to reviews involving a significant number of companies. Asocolflores further claims that the sampling of companies is not representative of the transactions being reviewed, and therefore violates the statute and the intent of Congress.

Asocolflores also contends that sampling without notice and applying adverse BIA rates to innocent companies violates the due process clause of the Fifth Amendment to the United States Constitution. Asocolflores maintains that every importer has a constitutional right to antidumping duty assessments/cash deposits at rates and in amounts that reflect their individual levels of dumping.

Asocolflores does not ask that the Department cease sampling by companies, but rather that it notify companies that sampling will be conducted and to offer individual analysis to companies that request it.

The FTC agrees that the Department should not sample companies in administrative reviews.

Department's Position: We disagree with Asocolflores and the FTC. Section 777A of the Tariff Act specifically authorizes the Department to use generally recognized sampling techniques in administrative reviews. Consistent with the final results of the second review we determine that the use of sampling techniques did not in any way preclude Colombian exporters from seeking and obtaining company-specific rates. See Final Results of Antidumping Duty Administrative Review: Certain Fresh Cut Flowers from Colombia, 55 FR 20496 (May 17, 1990). Furthermore, an exporter had the choice of (1) requesting a view and paying duties that reflect the exporter's actual margin of dumping during the review period, or (2) not requesting a review and risking duty assessment at a rate calculated on the basis of sample results. Because this choice rested entirely with the exporter, the risk associated with sampling was completely avoidable. See also Sweaters from Hong Kong, *supra*.

Comment 43: Asocolflores claims that the methodology that the Department used to calculate the sample group rate was flawed. First, Asocolflores maintains that the calculation should be weighted by value, as is done in calculations of antidumping margins for individual companies. The Department, in calculating the sample group rate, made the calculation using volume data. Because the Department is calculating a rate of difference between FMV and U.S. price, Asocolflores argues that using volume data is inappropriate. Furthermore, because flowers are not sold by weight, but by stems or bunches, different flowers sell for different amounts by volume.

Asocolflores also objects to the "points" methodology the Department used to assign weights. First, Asocolflores believes that the use of points created bias because it used rounded rather than actual figures. Second, because the points were picked at random before each company's weights were assigned, Asocolflores views the results as a random average rate, not a true weighted-average. Finally, Asocolflores criticizes the Department's excessive reliance on INCOMEX data, which is incomplete and erroneous, with such errors as approximation and double counting of companies.

Asocolflores maintains that the Department should calculate an average sample group margin by weight—averaging the margin found for each of the sample group companies by shipment value.

The FTC responds that the Department should not weight margins in the sample by sales value. In the FTC's opinion, a value-based sample would understate the actual amount of dumping because the more a company dumps, the less its value of sales will be. Consequently, the FTC argues that the higher the dumping margin for a company, the less weight it will be assigned in a value-based sample.

The FTC argues that because the Department has not released information on how it assigned "points" in the sample, it is difficult to determine whether the Department's methodology is appropriate. The FTC agrees that the Department may have been wrong to rely on INCOMEX data, and asks why the Department did not use data from the Colombian National Department of Statistics, the U.S. Customs Service, or the Department of Commerce, Bureau of the Census.

The FTC requests that the Department abandon its use of three strata in choosing companies for the sample and return to using two strata. The FTC contends that Asocolflores's objection on the grounds that "companies with less than 6 percent of the total exports could be selected to the first stratum, which has over 70 percent of total exports" is invalid because where an industry is comprised of many small firms, a small company may well be representative for use in the sample. The FTC also asks that the Department not accept objections from interested parties to firms chosen for the sample after the sample is chosen. Rather, the FTC maintains that objections should be entertained only before the sample is chosen.

Department's Position: We agree with the FTC that sampling should be done on the basis of volume because values can be distorted if they represent dumped prices.

Asocolflores is incorrect in stating that the Department picked points at random before each company's weights were assigned. As we explained in the Sampling section, points were assigned in proportion to each firm's share of total exports to the United States. Only then did the number of points relevant to the selected firm go "into the hat." As for Asocolflores's contention that using rounded numbers produces a bias, each point represents a quarter of a percentage point of total exports to the United States. Therefore, if any bias was created, it was insignificant. Finally, with respect to the INCOMEX data, it is not unreasonable to rely on data provided by an official Colombian government agency, and these data were the only information available at the time we chose the sample.

Comment 44: Asocolflores contends that the "all others" cash deposit rate of 3.10 percent from the LTFV investigation should not apply in this review. Previously, the rate for all other companies, i.e., companies that previously shipped but had not been reviewed and companies that did not

ship prior to the date of the Department has been updating the "all other" rate in each review. Asocolflores also claims that entries from unreviewed "all other" companies should be liquidated at the cash deposit rate paid at the time of entry.

The FTC responds that the 3.10 rate is the proper "all other" rate because it was the rate established in the original investigation. The FTC agrees that the rate cannot be changed from one review to another, but also agrees with the Department's decision to return to the original rate. Because the "all other" rate cannot be changed, it is logical to apply to unknown firms, for cash deposit purposes, the initially established rate, not the rate from the previous review.

Department's Position: In *Floral Trade Council* v. *United States* (822 F. Supp. 771), the Court of International Trade stated that 19 CFR 353.22(e) "prevents abandonment of LTFV 'all other' rates for 'old shippers' which have never been investigated or reviewed." In the LTFV investigation of this case, the Department determined the "all other" rate to be 4.40 percent, but this was later modified to 3.10 percent in accordance with the remand ordered by the Court of International Trade in *Asociacion Colombiana de Exportadores de Flores* v. *United States*, 717 F. Supp. 834 (June 29, 1989), *Remand Aff'd*, August 8, 1989.

The 3.10 percent all others rate will take effect prospectively only with the date of publication of this notice in the **Federal Register**. Any entries from unreviewed companies through the date of publication of this notice will be liquidated at the cash deposit rate in effect at the time of entry.

Comment 45: Asocolflores argues that the Department's practice of comparing annual constructed values to monthly average U.S. prices to determine whether dumping has occurred unfairly penalizes foreign producers. Flower prices are driven by demand, which is highly seasonal. This can result in price fluctuations of up to 250 percent between peak and off-peak months. Furthermore, flowers are perishable and cannot be stored or diverted. This being the case, producers have to look to make their profits during seasonal peaks, because there will be months where flower prices will be below production costs.

Asocolflores maintains that this is standard business practice for the industry and contends that the Department has recognized this in its "50 percent rule." When home market sales prices of agricultural products are used to determine FMV, the Department has allowed up to 50 percent below cost sales. In the past, the Department has applied this rule over the entire POR, and not on a monthly basis.

Asocolflores dismisses the Department's reason for using the monthly average U.S. prices, which is to avoid having dumping masked by allowing high prices in peak months to offset low prices in other months. This logic ignores the realities of the flower market, and ignores the rationale behind the 50 percent rule. Asocolflores suggests that the Department compare annual constructed value to annual average U.S. prices to determine whether dumping has occurred, or, at a minimum, implement its 50-percent rule if it is concerned about masked dumping.

The FTC responds that the use of average monthly prices is consistent with Department precedent and has been affirmed in the courts. The FTC notes that the Department has reviewed this issue in the original investigation and in all subsequent reviews, and has found that the use of average monthly prices best strikes a balance between the perishability and seasonality issues on the one hand and the concerns of masked dumping on the other. The Court of International Trade has upheld the Department's decision in this matter in all challenges.

According to the FTC, the Department's goal was to use as short a period as possible for averaging, and yet to account for perishability and seasonality. Though perishability could be accounted for by prices averaged on a weekly basis, monthly averaged prices would account for seasonality. Monthly averaged prices also had the advantage that actual price information for flower sales is generally only available on a monthly basis.

The FTC contends that Asocolflores is merely repeating arguments that have been rejected in previous reviews, and has introduced no new data or arguments that would justify a change in Department policy on the matter. In light of this, the FTC urges the Department to continue to use the methodology adopted in the original investigation and subsequent reviews.

Department's Position: We agree with petitioner. We believe that monthly averaged U.S. prices adequately account for the characteristics of the flower industry, without overcompensating. Respondents' assertion that our use of monthly averaged U.S. prices conflicts with our use of a modified cost test (as applied to agricultural products) misconstrues the statute and theory underlying the exclusion of below-cost sales from foreign market value. The statute makes allowances for below-cost sales only when the Department is relying upon home market and third country sales. These standards are intended to guide the Department in determining when to consider home market and third country sales and when to disregard them. Once a decision is made to use CV, such sales are irrelevant to a determination of foreign market value. Nothing in the statute, the legislative history, or the Department's practice (including Final Determination of Sales of Not Less Than Fair Value: Fresh Winter Vegetables From Mexico, 45 FR 20512 (March 24, 1980)) supports the broad notion of annual averaged U.S. prices. Annual averaging would allow exporters to dump for entire months when demand is sluggish, so long as they recoup their losses during months of high demand. The Department is not required to measure whether profits are made upon an annual basis, especially not in an administrative review, when margins are normally determined on a sale-by-sale basis (not annually).

Contrary to respondents' assertions, the Department's approach is broad enough to eliminate, to a reasonable degree, a finding of technical dumping, without overcompensating for the characteristics of the flower industry. The Department's use of monthly averaging ensures that an entire range of distress and non-distress sales prices are covered, and is consistent with its established practice in this case, which has been upheld by the Court of International Trade. See *Floral Trade Council* v. *United States*, 704 F. Supp. 237 (CIT 1988), and *Accord Asociacion Colombiana de Exportadores de Flores* v. *United States*, 704 F. Supp. 1114 (CIT 1989).

Company-Specific Comments

Comment 46: Asocolflores asserts that the Department should not have collapsed the Florex Group and Santa Helena into a single entity for the purpose of calculating a single weighted-average percent margin because the two entities are separate and operate independently. Asocolflores argues that the Florex Group and Santa Helena does not meet any of the Department's four criteria for collapsing two entities.

Department's Position: We disagree with Asocolflores. In Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts From France, et al., 57 FR 28393 (June 24, 1992), the Department stated that "where the type and degree of relationship is so significant that we find a strong possibility of price manipulation," it is

the Department's practice to collapse related parties. For purposes of our analysis we have used the methodology most recently applied in Carbon Steel from Japan (1993) and recently upheld in another case by the Court of International Trade in *Nihon Cement Co., Ltd., et al.* v. *United States and The Ad Hoc Committee of Southern California Producers of Gray Portland Cement, et al.*, Slip Op. 93–80 (CIT 1993):

> * * * the Department considered the following questions in a decision whether to collapse related parties: (1) Do the related manufacturers have interlocking boards of directors; (2) do they have similar production processes, facilities or equipment so as to facilitate shifting of production between facilities; (3) do they operate as separate and distinct entities; (4) do they share marketing and sales information or offices; and (5) are they involved in the pricing or production decision of the other entity?

In Carbon Steel from Japan, the Department also stated that it "need not show all of these factors exist in order to collapse sufficiently related to create the possibility of price manipulation." See Final Determinations of Sales at Less than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products from Japan, 58 FR 37154, 37158–37159 (July 9, 1993).

We have determined that Santa Helena and the Florex Group meet three out of the five criteria relating to the above collapsing test. For further details, please see the Department's Collapsing Related Parties Memo to the file dated March 11, 1994.

In addition, we have collapsed the Santa Helena and Florex Group data by combining the constructed value information for the same flower types and combining the sales information for the same flower types sold through the same importer.

Comment 47: Asocolflores argues that the Department should have used Santa Helena's devalued peso borrowing rate to calculate imputed credit. Asocolflores notes that although the Department claims that these data were not included in Santa Helena's response, the data was in fact included in Table 1.4 of the company's original March 31, 1992 response.

Although it did not respond specifically to this company-specific issue, the FTC has argued that the Department should not adjust peso interest rates for peso devaluation against the dollar. See FTC Public Brief at 17–19.

Department's Position: We agree with respondent and have used the Group's actual peso borrowing rate, adjusted for devaluation, to impute the credit expense for the collapsed Santa Helena/Florex Group. See our response to *Comment 2*, above.

Comment 48: Asocolflores claims that the Funza Group incorrectly reported the peso devaluation rate over the POR, and asks that the Department use the rate that it verified.

The FTC responds that the Department is under no obligation to correct data supplied by respondents. The FTC also notes that it has argued against the practice of adjusting interest rates for devaluation.

Department's Position: We agree with respondent that the peso devaluation rate for the POR used in the preliminary results was incorrect. We have corrected the Funza Group's credit expense calculation in these final results accordingly. See our response to *Comment 2*, above.

Comment 49: Las Amalias SA (Lasa) argues that it is not related to Ha Fleurette (LFC), CFX, or Agrowconsult, and that the Department should not collapse Lasa with these companies.

Lasa claims that it is not related to La Fleurette under the definition provided by the Tariff Act of 1930, section 771(13). Lasa claims that La Fleurette was not the agent or principal of Lasa, that neither entity owned the other's stock, and that no person or persons owned 20 percent or more of either company. The only links between the two are that La Fleurette leased space and purchased subject flowers from Lasa at arm's-length, that Lasa provided certain administrative services and kept the books for La Fleurette for an arm's-length fee, and that there is one common shareholder who owned 7.5 percent of Lasa and 17.5 percent of La Fleurette during the POR.

Lasa claims that it is not related to CFX under the above definition. Lasa made sales directly to CFX, and these transactions constitute the only relationship Lasa has with CFX.

Finally, Lasa contends that it is not related to Agrowconsult. The only links between the two are that Lasa paid the owner of Agrowconsult a one-time consultant fee, that the two share office space that each entity pays for in accordance with their respective use of the space, and that the two used the same independent contractor for accounting services.

The FTC responds that, based on the data provided by Lasa itself, Lasa is clearly related to all of the companies with which it has been collapsed. The FTC makes particular note that Lasa handled La Fleurette's bookkeeping and export documentation, and managed its checking account. Because La Fleurette is related to CFX and Agrowconsult, the FTC contends that as Lasa is related to La Fleurette, it is also related to these companies.

Department's Position: We agree with the FTC that, based on the information provided by Las Amalias (Lasa), Lasa is related to all of the companies and should therefore be collapsed into one entity. We applied the standards outlined above in our response to *Comment 46*.

We have determined that Las Amalias/Pompones meets four out of the five criteria relating to the collapsing test outlined in our response to *Comment 46*. For a complete analysis of Lasa's interrelationships with LFC and CFX and with Agrowconsult, see the Department's Memorandum to File dated March 11, 1994.

Comment 50: Lasa maintains that the Department's use of BIA instead of the data supplied in its response is improper. Lasa argues that even if it were related to LaFleurette, CFX, or Agrowconsult, none of these companies sold subject flowers to the United States. Therefore, any relationship between Lasa and these companies does not affect the data Lasa supplied to the Department in its response, and the Department should use that data.

The FTC responds that Lasa did not report its relationships to La Fleurette (LFC), CFX, or Agrowconsult, and that it did not report flowers sold in bouquets made by La Fleurette. Therefore, the Department should reject Lasa's questionnaire response and use an adverse rate of BIA.

Department's Position: We agree with petitioner. Because the Department has determined that Lasa is related to LFC and CFX, and to Agrowconsult, and that subject flowers sold in mixed bouquets are within the scope of the antidumping order (see our response to *Comment 1*), the overwhelming majority of Lasa's sales are ESP transactions, not purchase price transactions. Because Lasa reported its sales to related parties in the United States as purchase price sales, when it should have reported the sales of its U.S. related parties to their customers (i.e., the first unrelated parties in the United States), we find the use of BIA to be justified. However, because Lasa substantially cooperated with our requests for information, including verification, but failed to provide the information in the form required, we are applying a second-tier BIA rate to Lasa. In Lasa's case, this is the highest calculated rate in this review, 7.56 percent.

Comment 51: Lasa contends that the information it supplied in the

questionnaire shows that it is entitled to a zero margin in the review. Lasa argues that because this will be the third consecutive review with zero margins, it is entitled to revocation under the regulations.

The FTC responds that because Lasa failed to report either its relationships with other companies or its sales to the United States in the form of bouquets, it did not have a zero margin. Therefore, Lasa is not entitled to revocation.

Department's Position: We agree with petitioner. Lasa is not entitled to revocation under the Department's regulations because it has not received three consecutive years of zero margins, as required by the regulations. 19 CFR 353.25(a)(1)(i).

Comment 52: The Agrodex Group Farms, Floralex, Ltda., and Flores La Union-Gomez Arango & Cia. S. en C. all claim that the Department has not made full disclosure of its preliminary calculation methodology, and that as a result it is impossible to provide detailed comments. The above firms ask that the Department make a full disclosure and provide the opportunity to make comments.

The FTC responds that it reserves the right to respond to a supplemental case brief if accepted by the Department.

Department's Position: Agrodex received disclosure materials in time to submit its case brief. While it is true that the firm was unable to pose questions to the case analyst, who was away on official business until January 24, 1994, we note that the company could have directed any questions to the analyst's supervisors, but chose not to do so. We also note that, although the case analyst returned to the office on January 24, 1994, counsel to Agrodex did not contact the analyst with questions about the disclosure materials until January 31, 1994. See Memorandum to file dated February 1, 1994. According to this memorandum, the analyst was able to answer the relatively minor questions posed by counsel to Agrodex.

At the hearing held on February 1, 1994, respondents indicated that their interests were prejudiced by the late disclosure and that they might want to submit further comments. However, the nature of the additional comments was not specified. Although we did not give a formal reply as to whether we would accept additional comments, we received no communication regarding plans to submit comments until just prior to a submission made on behalf of Agrodex on March 2, 1994. This submission was made well beyond the time period other parties had to submit their case briefs and well beyond any reasonable time extension that could be afforded under these circumstances. See Memorandum to File dated March 4, 1994 and attached letter. Therefore, we rejected the comments as untimely.

Comment 53: Velez De Monchaux e Hijos y Cia. S. en C. claims that the Department used the wrong data in its calculations for that company. Velez De Monchaux maintains that the data did not include the corrections submitted on a computer diskette on May 14, 1992, and asks that the Department use the corrected submission for these final results.

Department's Position: We agree with respondent that the Department used the wrong disk for its calculation. We have used the corrected data that was substituted on a computer diskette on May 14, 1992, for its final results.

Final Results of Review

As a result of our review of the comments received, we determine that there are margins in the amounts listed below for the period March 1, 1990 through February 28, 1991.

The following firms requested and received individual reviews:

Producer/exporter	Margin (percent)
Agricola Cardenal S.A	0.14
Agricola De La Fountana Ltda	1.56
Agricola El Jardin	0.00
Agricola Las Cuadras Ltda	0.30
Flores De Hacaritama	
Agricola Los Arboles S.A	2.08
Agrodex Group	0.00
Agricola El Retiro Ltda.	
Agricola Los Gaques Ltda.	
Agrodex Ltda.	
Degaflores Ltda.	
FlorLinda Ltda.	
Flores Camino Real Ltda.	
Flores Colon Ltda.	
Flores De La Maria Ltda.	
Flores De Las Mercedes Ltda.	
Flores De Los Amigos Ltda.	
Flores De Los Arrayanes Ltda.	
Flores De Pueblo Viejo Ltda.	
Flores Del Gallinero Ltda.	
Flores Del Potrero Ltda.	
Flores Dos Hectareas Ltda.	
Flores El Lobo Ltda.	
Flores El Puente Ltda.	
Flores El Trentino Ltda.	
Flores Juanambu Ltda.	
Flores La Conejera Ltda.	
Inverflores Ltda.	
Inverpalmas	
Inversiones Santa Rosa Arw Ltda.	
Agropecuria Cuernavaca Ltda	2.70
Amalias Group	7.56
Las Amalias Ltda.	
Pompones Ltda.	
Bochica Group	1.35
Agro Bosque, S.A.	
Exportaciones Bochica S.A.	
Floral Ltda.	
Flores Del Cauca	
Inversiones Targa Ltda.	
Productos El Zorro	
Becerra Castellanos y Cia. Ltda	1.49
Claveles Colombianas Group	1.45
Claveles Colombianos Ltda.	
Fantasia Flowers Ltda.	
Splendid Flowers Ltda.	
Sun Flowers Ltda.	
Cultivos Tahami Ltda	2.52
Dianticola Colombiana Ltda	1.73
Florandia Herrera Camacho y Cia	0.00
Flores Aurora Ltda	0.16
Flores Colombianas Group	0.00
Agrosuba.	
Flores Colombianas Ltda.	
Jardines De Los Andes S.A.	
Productos El Cartucho	
Flores Condor De Colombia Ltda	0.00
Flores De La Vega Ltda	3.42
Flores De Serrezuela Ltda	0.45
Flores Del Rio S.A	0.16
Flores Depina Ltda	0.00
Flores El Zorro Ltda	1.19
Flores La Union Gomez Arango	0.00
Flores La Valvanera Ltda	0.26
Flores Las Caicas	1.09
Flores Sagaro	0.04
Flores Tiba S.A	0.48
Flores Tibati Ltda	0.00
Flores Urimaco	2.26
Florex Group	0.22
Agricola Guacari	
Flores Altamira S.A.	
Flores De Exportacion S.A.	
Santa Helena S.A.	
Floricola La Guitana S.A	0.00
Funza Group	0.09
Flores Alborada.	
Flores De Funza S.A.	
Flores Del Bosque Ltda.	
Grupo Andes	1.47
Agricola Arenales Ltda.	
Cultivos Buenavista Ltda.	
Flores De Los Andes Ltda.	
Flores Horizante Ltda.	
Inversiones Penas Blancas Ltda.	
Guacatay Group	0.13
Agricola Guacatay S.A.	
Jardines Bacata Ltda.	
Happy Candy Group	0.46
Flores Tropicales Ltda.	
Happy Candy Ltda.	
Mercedes Ltda.	
Rosas Colombianas Ltda.	
Hosa Group	2.18
Horticultura De La Sabana S.A.	
Innovacion Andina S.A.	
Minispray S.A.	
Industrial Agricola Ltda	0.00
Ingro Ltda	7.31
Inversiones Cubivan	1.28
Linda Colombiana Ltda	0.19
Papagayo Group	1.19
Agricola Papagayo Ltda.	
Inversiones Calyposo S.A.	
Queen's Flowers De Colombia	0.03

Producer/exporter	Margin (percent)
Queen's Flowers De Colombia Ltda.	
Jardines De Chia Ltda.	
Jardines De Fredonia Ltda.	
Rosas Sabanilla Group	0.49
Rosas Sabanilla Ltda.	
Inversiones La Serena	
Agricola La Capilla	
Santa Rosa Group	1.96
Flores Santa Rosa Ltda.	
Floricola La Ramada Ltda.	
Tuchany S.A.	0.00
Uniflor Ltda	2.52
Velez De Monchaux e Hijos Y Cia. S. en C	2.08

The following firms were among those requested by the petitioner and were selected for our sample:

Producer/exporter	Margin (percent)
First Stratum:	
Flores Arco Iris Ltda	3.59
Second Stratum:	
Agricola De Los Alisos Ltda	5.36
Agromonte Ltda	4.40
Claveles De Los Alpes Ltda	0.70
Daflor Ltda	0.00
Floralex Ltda	0.00
Flores Aquila Ltda	0.00
Flores Arco Iris Ltda	3.59
Flores De Cajibio Ltda	0.30
Flores De Hunza Ltda	6.04
Flores De La Sabana S.A	3.87
Flores De Suba Ltda	1.86
Flores Del Campo Ktda	3.05
Flores El Arsenal Ltda	0.76
Flores Estrella, Ltda	7.56
Flores Marandua Ltda	0.00
Flores Mountgar, Ltda	43.02
Flores Tomine	1.13
Inversiones Targa S.A. (Bochica Group)	1.35
Jardines Del Muna	7.56
Los Geranios Ltda	2.28
Soagro Group	1.45
Agricola El Mortino Ltda.	
Flores Aquaclara Ltd.	
Flores Del Monte Ltda.	
Flores La Estancia Ltda.	
Jaramillo Y Daza Ltdg.	
Third Stratum:	
Cultivos Miramonte S.A	0.48
Santana Group	0.02
Hacienda Curibital Ltda.	
Inversiones Istra Ltda.	
Santana Flowers Ltda.	

The following firms were among those requested only by the petitioner but were not selected in the sample. They will receive the sample group rate of 3.13 percent.

Producer/Exporter

Abaco Tulipanex de Colombia
Agricola Benilda Ltda.
Agricola Bojaca Ltda.
Agricola El Cactus S.A.
Agricola El Redil Ltda.
Agricola Malqui Ltda.
Agro Koralia Ltda.
Agroindustrial Del Riofrio Ltda.
Cienfuegos Ltda.
Conflores Ltda.
Crop S.A.
Cultivos Medellin Ltda.
Del Tropico Ltda.
Flora Bellisima Ltda.
Flores Alfaya Ltda.
Flores Cigarral Ltda.
Flores De La Montana.
Flores De La Pradera Ltda.
Flores De Nemecon Ltda.
Flores De Suesca Ltda.
Flores Del Lago Ltda.
Flores El Rosal Ltda.
Flores Estrella Ltda.
Flores Gicro Ltda.
Flores Guaicata Ltda.
Flores Hana Ichi De Colombia Ltda.
Flores Juncalito Ltda.
Flores La Cabanuela.
Flores La Conchita De German-Ribon y Cia.
Flores La Frangancia S.A.
Flores Monserrate Ltda.
Flores Mountgar Ltda.
Flores Petaluma Ltda.
Flores Santa Fe Ltda.
Flores Tairona Ltda.
Flores Tocarinda Ltda.
Flores Tokai Hisa
Groex S.A.
Inpar Ltda.
Interflora Ltda.
Inversiones Miraflores Ltda.
Inversiones Oro Verde S.A.
Inversiones Santa Rita Ltda.
Iturrama S.A.
Jardines Carolina
M.G. Consultores Ltda.
Monteverde Ltda.
Plantaciones Delta Ltda.
Plantas Ornamentales De Colombia
Rosas De Exportacion Ltda. (Rosex)
Rosas Y Flores Ltda.
Shasta Flowers Y Cia Ltda.
Sunset Farms
Toto Flowers Ltda.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage as stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse for consumption, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates as listed above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate of 3.10 percent. This is the rate established during the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This administrative review, revocation in part, and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22, 353.25.

Dated: March 25, 1994.

Joseph Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–7714 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–DS–P

National Institute of Standards and Technology

[Docket Number 940379–4079]

Voluntary Product Standard PS 20–94; "American Softwood Lumber Standard"

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Approval of Voluntary Product Standard PS 20–94 "American Softwood Lumber Standard".

SUMMARY: The National Institute of Standards and Technology (NIST) announced in the **Federal Register** on

July 30, 1993 (59 FR 40797), that it was circulating for review and comment proposed Voluntary Product Standard PS 20–94 "American Softwood Lumber Standard," an updated edition of PS 20–70 "American Softwood Lumber Standard," in accordance with the provisions of 10.6 of Department "Procedures for the Development of Voluntary Product Standards" (15 CFR part 10, as amended; 51 FR 22497 dated June 20, 1986).

Public response to the proposed standard indicated consensus among producers, distributors, users, and consumers in accordance with Department procedures. The standard was approved to supersede PS 20–70, effective March 1, 1994. The Standard differs from the previous edition, PS 20–70, in that its text has been simplified and updated. Terms have been modernized, and units of measurement in both conventional and metric units are presented. The basic sizes, technical requirements, and administrative structure for implementing and enforcing the Standard have been retained.

The Standard establishes standard sizes and requirements for developing and coordinating the lumber grades of the various softwood species, the assignment of design values, and the preparation of grading rules applicable to each species. Its provisions include implementation of the Standard through an accreditation and certification program; establishment of principal trade classifications and lumber sizes for yard, structural, factory/shop use; classification, measurement, grading and grade-marking of rough and dressed sizes of lumber; definitions of terms used in describing standard grades of lumber; and commonly used industry abbreviations. The Standard also includes the organization and functions of the American Lumber Standard Committee, the Board of Review, and the National Grading Rule Committee.

For further information or for copies of PS 20–94, contact Barbara Meigs, Standards Management Program, Office of Standards Services, NIST, A 625, Building 101, Gaithersburg, MD 20899, telephone 301–975–4025, FAX 301–963–2871.

Dated: March 28, 1994.

Samuel Kramer,

Associate Director.

[FR Doc. 94–7717 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[Docket No. 940367–4067; I.D. 060493A]

RIN 0648–AG19

Fishing Vessel Monitoring Systems Standards

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final standards.

SUMMARY: NMFS issues final standards, where appropriate, for the use of satellite-based fishing vessel monitoring systems (VMS) to determine positions of fishing vessels, collect real-time catch and environmental data, and to specify minimum standards for these systems. This notice advises the public that uniform standards have been promulgated for VMS. NMFS has determined that standards are necessary to assure VMS compatibility. The use of satellite-based fishing VMS to collect catch data and determine vessel positions will contribute to reducing overfishing and maintaining currently productive fisheries. Such systems may also contribute significantly to NOAA's global environmental and climate monitoring activities.

ADDRESSES: Copies of final standards may be obtained from Steven C. Springer, Chief, Enforcement Programs Division, National Marine Fisheries Service, Office of Enforcement, 8484 Georgia Avenue, suite 415, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Steven C. Springer, 301–427–2010.

SUPPLEMENTARY INFORMATION:

Background

The Magnuson Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801 *et seq.*) established Regional Fishery Management Councils (Councils) and gave them authority to prepare fishery management plans (FMPs) for the conservation and management of fishery resources. The Secretary of Commerce (Secretary) may also prepare FMPs under circumstances specified in the Magnuson Act. NMFS implements FMPs and is responsible for collecting data and monitoring FMP compliance. In recent years, some U.S. commercial marine fishery resources have been overharvested. Many others are being fished at or near the point of full utilization, and there is real danger that these could become overharvested as well. Because of this, NMFS is endeavoring to improve the accuracy and timeliness of catch and effort data, and improve compliance with cost-effective management measures. NMFS published proposed VMS standards on September 22, 1993, at 58 FR 49285. Additional background can be found there.

Implementation

NMFS endorses the use of, and defines specifications and criteria for, satellite-based fishing vessel monitoring systems as appropriate, to determine positions of fishing vessels and collect real-time catch and environmental data.

Several companies manufacture and distribute VMSs throughout the United States and worldwide. Not all systems, however, are compatible with each other. NMFS requires system compatibility for several reasons. First, fishing vessels that engage in multiple fisheries should not be required to install multiple VMSs. Further, it would not be cost-efficient for NMFS to install multiple fishing vessel monitoring centers/systems in order to monitor vessel activities from multiple VMSs. In order to assure such compatibility, NMFS has defined basic VMS and related performance criteria and system specifications. However, recognizing that regulatory requirements for a VMS may be promulgated on a fishery-by-fishery basis, all VMSs shall be certified by NMFS to meet applicable requirements. These systems would be implemented as appropriate through Secretarial and Council recommended FMPs.

The real-time reporting of catch data that a VMS can provide would significantly improve the ability to monitor and manage quotas and allocations in certain fisheries. In fisheries managed by individual fishing quotas (IFQs) or individual transferable quotas (ITQs), mandatory remote monitoring of vessel catches and locations can improve management by providing fishery managers with timely information on catches (by area, if required) and transfers of quotas that can be effected and monitored while the vessel is at sea. In fisheries where real-time catch reporting is not essential for effective resource management, but time or area closures are, the position tracking component of a VMS could provide a more cost-effective means of enforcing such closures.

All required information regarding fishing vessel activity would be communicated from ship to shore through a secure, confidential satellite communication system described below and processed in NMFS regional data processing centers. Vessel position and catch data would be used by NMFS

Regions and Centers to monitor fishing quotas and fishing activities, and identify suspected violations of time or area regulations.

The system would provide for monitoring U.S. vessels and, where appropriate, foreign vessels conducting fishing operations in the U.S. exclusive economic zone and on the high seas.

In determining the feasibility of requiring a VMS for vessel tracking purposes, Councils and NMFS will need to identify time and area management measures, evaluate their degree of significance in achieving the goals and objectives of the FMP, assess costs and benefits, review fishery-related agreements, treaties or similar arrangements, and estimate the amount and effectiveness of enforcement surveillance and patrol resources needed to gain compliance. In most cases, deployment of costly enforcement resources could be optimized by identifying violations through a VMS and deploying further resources accordingly (i.e., targeting apparent violations vs. random patrolling).

NMFS may link VMS requirements to the issuance of Federal fishing permits. In fisheries requiring a VMS, a permit may not be issued to a vessel until a certified VMS is purchased, installed and is fully operational on that vessel. Failure of a vessel to carry an operating VMS may result in permit sanctions. In fisheries where there is no Federal permit, but VMSs are required, the regulations could be amended to prohibit fishing without a fully operational VMS on board the vessel.

NMFS intends to establish a National Monitoring Center (NMC) to receive and process data transmitted by the VMS. The NMC will specify data requirements for vessel terminals, ensure confidentiality of data in accordance with applicable rules and regulations, and distribute data in real or near real time to NMFS offices, the U.S. Coast Guard and other users as appropriate.

If the Councils or NMFS determine there is a need for real-time catch data, costs associated with changes in data collection, management and analysis infrastructure beyond the selection of a VMS should be assessed, as well as benefits. Any self-reported data reporting system must include comprehensive validation mechanisms, especially where the incentives for misreporting are high. The statistical, computer, compliance and analytical staffing resources must be integral components of the need and justification of a VMS. If a VMS is deemed an appropriate tool, then NMFS would require that the following system criteria and specifications apply.

Changes From the Proposed Standards

Proposed standard 3 stated VMS shall be capable of tracking vessels throughout their range and shall provide position accuracy to within 400 m (1,300 ft). Because industry standards for Global Positioning system (GPS) position locating is generally accepted to be accurate within 100 m, the final standard states VMS equipment shall be capable of tracking vessels throughout their range and shall provide position accuracies that meet current industry standards. All systems certified by NMFS must be accurate to within 400 m (1,300 ft).

Proposed standard 7 has been renumbered standard 8, with no change to the text. A new standard 7 was created to include certain other vessel-tracking-only systems or systems that provide vessel tracking and limited data capabilities. Standard 7 states that exceptions may be made to the requirements for remote access to the VMS, vessel polling and two-way communications in fisheries where the Councils or the Secretary determine that effective vessel monitoring can occur without these features.

Response to Public Comments

Twenty-one written comments on the proposed standards were received by NMFS. These comments originated from the fishing industry—independent fishermen, fishermen's associations, and fishing companies; Fishery Management Councils; the vessel monitoring/satellite tracking industry; and the U.S. Coast Guard. Most of the comments favored VMS and included ideas on how the standards could be improved. Several respondents felt that there was no reason for a VMS in their particular fishery, but made constructive comments about national standards for VMS.

Many respondents reacted as if NMFS was proposing a new rule requiring VMS. The notice of proposed standards clearly stated that NMFS endorses the use of VMS and is defining specifications and criteria for their use. It further stated that decisions to require VMS must be made on a fishery-by-fishery basis by the Councils or the Secretary.

Comment 1: The VMS program will be a financial burden on individual vessel owners. Several fishermen and fishing associations were concerned that NMFS would increase the monthly operational cost to the fishermen by requesting additional data transmission and polling from the fishing vessels when NMFS wants more information.

Response: The cost of any VMS will depend on the system(s) recommended by the Councils. Fishermen will have the opportunity to address VMSs and their associated costs with Council members and NMFS through many channels, including the public hearing process. As VMSs are implemented, fishery by fishery, the Councils and NMFS will work together to choose the least expensive system that will meet the enforcement and management objectives of the FMP. NMFS notes that the trend in the industry has been for equipment and data costs to decline as applications of the technology increase. NMFS believes that continued competition among equipment and service providers will continue to drive prices down in the future.

Comment 2: Requiring VMS on fishing vessels is a serious privacy issue and infringes on individual's rights.

Response: NMFS disagrees. Fishing is a highly regulated industry. It has become highly regulated because of the increased competition for a finite and dwindling resource. Vessel operators have a choice to fish in state waters, Federal waters or both. If they choose to fish in Federal waters, they will be required to operate within the constraints of Federal regulations. NMFS and the U.S. Coast Guard are required to enforce Federal fishery regulations. If it is determined that the most efficient and effective means of managing Federal fisheries and enforcing Federal fisheries regulations is through the use of VMS, then any perceived "privacy" issues are outweighed by the necessity to conserve and manage Federal fishery resources.

Comment 3: VMS standards should not be so restrictive that they create a closed system where only one contractor would be able to supply all the equipment or services. Such a system would eliminate competition and increase prices.

Response: NMFS is currently gathering information to design a system that will be open to as many vendors of equipment and services as possible. NMFS will attempt to employ an open architecture design for equipment and software to create easy access and ensure adaptability to technological advances. The fishermen purchasing VMS equipment will, in most fisheries, have a choice of several certified vendors.

Comment 4: Service Argos and several manufacturers of Argos-based equipment noted that their system offered vessel tracking and limited capabilities to send data. They also noted that the proposed standards required the ability to remotely change location reporting intervals, poll vessels and engage in two-way

communications. They believed that these requirements were not necessary in all fisheries and unfairly excluded their equipment from the NMFS certification process.

Response: NMFS agrees that circumstances may exist in some fisheries where Argos or other VMS equipment capable of tracking vessels, but incapable of performing the functions identified above, would be appropriate. If the systems can meet all of the other standards, they may still be certified for certain fishing vessel tracking applications. Final standard 7 reflects this change.

Comment 5: The accuracy specified in standard 3 is potentially limiting to VMS in the future. The U.S. Coast Guard and several respondents from the vessel tracking industry commented that position fixing standards using the GPS is accurate to within 100 m with present-day equipment. The Coast Guard noted that 400 m, in some cases, might not be accurate enough for the enforcement of small closed areas and boundary lines.

Response: NMFS agrees that industry standards should prevail. However, it appears that only systems using GPS can obtain accuracies of less than 100 m. In order not to exclude other systems from consideration, standard 3 has been changed to require VMS to meet industry standards while maintaining a minimum accuracy of 400 m.

Comment 6: Before NMFS endorses any system, it should test the system and provide the results to the public.

Response: In 1991, NMFS and staff members from the Western Pacific Fishery Management Council worked together to demonstrate the capabilities of several automated vessel monitoring technologies. A report detailing the systems demonstrated and the purpose and results of the demonstration can be obtained from the NMFS Office of Enforcement (see **ADDRESSES**). The name of the report is Fishing Vessel Tracking—Application for Fisheries Management and Enforcement (1991).

Comment 7: NMFS already has observers on certain groundfish vessels in Alaska who send catch data via satellite to NMFS. Requiring VMS for automatic vessel tracking would be an unnecessary additional burden.

Response: NMFS is aware that observers on certain groundfish vessels in Alaska send data over the vessel's satellite communication system to NMFS. If the Council or NMFS implements a VMS requirement in the Alaskan groundfish fishery sometime in the future, any accompanying analysis would most likely include the interrelationship of observer coverage and VMS.

System Specifications (Final Standards)

Determinations by the Councils or NMFS may require a VMS for tracking purposes only, data reporting only, or for both vessel tracking and data reporting purposes. Some performance specifications and criteria may not apply to a VMS that is required for vessel tracking only or data reporting only.

The following system specifications and criteria will be applied to a VMS for any fishery for which NMFS or the Councils determine a need for vessel tracking, monitoring and/or reporting:

1. The VMS shall be tamperproof, i.e., shall not permit the input of false positions.

2. VMS equipment shall be fully automatic and operational at all times, regardless of weather and environmental conditions.

3. VMS equipment shall be capable of tracking vessels throughout their range and shall provide position accuracies that meet current industry standards. All systems certified by NMFS must be accurate to within 400 m (1,300 ft).

4. The VMS shall have the capability of transmitting and storing information, including vessel identification, date-time, latitude, longitude, speed and bearing.

5. The VMS shall provide accurate position transmissions, the interval between which can be determined by NMFS and set or changed remotely. In addition, the VMS shall allow NMFS to poll individual vessels or any set of vessels at any time and receive position reports in real time.

6. Under certain conditions, the VMS may be required to provide network message communications between the vessel and shore. (This specification may not be applicable to tracking-only systems). Such communications shall include, but not be limited to, transmitting and receiving telex and full or compressed data messages to and from shore. The VMS shall allow NMFS to initiate communications or data transfer at any time.

7. Exceptions may be made to the requirements for remote access to the VMS, vessel polling and two-way communications in fisheries where the Councils or Secretary determine that effective vessel monitoring can occur without these features.

8. Shore station software shall:

(a.) Reliably retrieve position records, as defined in standard 4 above, and display such data on a computer monitor;

(b.) Provide a means for printing such data;

(c.) Include on-screen displays of charts capable of showing boundaries of fishery management areas;

(d.) Be capable of accurately displaying vessel positions on such charts;

(e.) Be capable of providing an alarm, signal, or other notice to shore station operators when a vessel is within 1 nautical mile (1.9 km) of designated closed areas or management area boundaries;

(f.) Provide printer/plotter support for drawing charts; and

(g.) Have the capacity to archive vessel position histories for a minimum of 1 year.

Classification

This notice does not implement or require VMS. However, it announces standards that will apply to any VMS requirement implemented through amendments to the various FMPs.

This action is not subject to review under E.O. 12866.

Dated: March 24, 1994.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 94–7572 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 032394D]

New England Fishery Management Council; Meeting and Hearing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting, and public hearing.

SUMMARY: The New England Fishery Management Council (Council) will hold public meetings and a public hearing to consider actions affecting the New England fisheries in the Exclusive Economic Zone.

DATES: The meetings will be held on Wednesday, April 6, 1994, at 1:30 p.m., and on Thursday, April 7, 1994, at 8:30 a.m. The public hearing will be held on April 7 at 1:30 p.m.

ADDRESSES: The meetings and hearing will take place at the King's Grant Inn, Rt. 128 at Trask Lane, Danvers, MA 01923; telephone: 508–774–6800.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: 617–231–0422.

SUPPLEMENTARY INFORMATION: On April 6, the Council meeting will begin with a report from the Lobster Oversight Committee (Committee). The Committee will discuss any recommended changes to the regulations proposed for Amendment 5 to the American Lobster Fishery Management Plan and membership on the Effort Management Teams. The Chairman of the Sea Scallop Oversight Committee will brief the Council on the recent joint meeting of the Scallop Industry Advisory Committee and the Scallop Plan Development Team.

The session will conclude with reports from the Council Chairman; Council Executive Director; Director, Northeast Region, NMFS (Regional Director); Northeast Fisheries Science Center liaison; Mid-Atlantic Fishery Management Council liaison; and representatives from the U.S. Department of State, Coast Guard, Fish and Wildlife Service, and the Atlantic States Marine Fisheries Commission.

Abbreviated Rulemaking Actions—Northeast Multispecies Fishery Management Plan

A decision on a closure area for Massachusetts Bay was postponed from the March 17, 1994, Council meeting to the April meeting, pending further data analysis. During the April 6 session, the Marine Mammal Committee will discuss final recommendations on a time/area closure plan (plan) to reduce the Gulf of Maine harbor porpoise bycatch. The plan will then be forwarded to NMFS for consideration as a framework adjustment to the Northeast Multispecies Fishery Management Plan (FMP).

On April 7, further recommendations for framework adjustment to the FMP will be discussed. They include final action on measures addressed initially at the February and March Council meetings. The Council will consider:

(1) A 100-lb (45.36-kg) winter flounder possession limit;

(2) A multispecies groundfish possession limit while fishing with small mesh with a retention limit up to 500 lbs (226.8 kg) or 10 percent, whichever is less, of all species not subject to the minimum mesh-size requirement specified in the FMP, and

(3) An effort-reduction program based on 365 days from the date of implementation instead of a calendar year.

Public Hearing

The Council will hold a public hearing on April 7 at 1:30 p.m. to consider a Flexible Area Action System closure to protect haddock in the vicinity of Area I, as defined in the FMP. Based on public comments, the NMFS fact-finding report, and a review of impacts, the Council will make a recommendation to the Regional Director.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall at 617–213–0422 at least 5 days prior to the meeting date.

Dated: March 25, 1994.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–7710 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 032294C]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of public display permit No. 896.

SUMMARY: Notice is hereby given that Sugarloaf Dolphin Sanctuary, P.O. Box 148, Sugarloaf Key, FL 33044, has been issued a permit for public display purposes.

ADDRESSES: The permit is available for review by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1335 East-West Highway, F/PR1, Silver Spring, MD 20910, (301) 713–2289; and

Director, Southeast Region, NMFS, NOAA, 9450 Koger Boulevard, St. Petersburg, FL 33702, (813) 893–3141.

SUPPLEMENTARY INFORMATION: On Wednesday, December 8, 1993, notice was published in the **Federal Register** (58 FR 64556) that an application (P556) had been filed by the Sugarloaf Dolphin Sanctuary, P.O. Box 148, Sugarloaf Key, FL 33044. A public display permit was requested to obtain the care and custody of up to 12 Atlantic bottlenose dolphins (*Tursiops truncatus*). The requested permit has been issued subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), and the conditions hereinafter set out.

Dated: March 24, 1994.

Herbert W. Kaufman,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 94–7617 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 032294A]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application for a scientific research permit (P191E).

SUMMARY: Notice is hereby given that Dr. Boyd Gibbons, Director, California Department of Fish and Game, Sacramento, CA 95814, has applied in due form for a permit to take Pacific harbor seals (*Phoca vitulina richardsi*) for purposes of scientific research.

DATES: Written comments must be received on or before May 2, 1994.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, room 13130, Silver Spring, MD 20910 (301/713–2289); and

Southwest Region, NMFS, 301 W. Ocean Blvd., Long Beach, CA 90802–4213 (310/980–4020).

Written data or views, or requests for a public hearing on this request, should be submitted to the Director, Office of Protected Resources, NMFS, NOAA, U.S. Department of Commerce, 1315 East-West Highway, room 13130, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The Applicant proposes to conduct aerial surveys on Pacific harbor seals along the California mainland and Channel Islands to identify hauling sites and number of harbor seals utilizing

each site. This is a 1-year permit request and is a continuation of research conducted over the past 5 years.

Dated: March 25, 1994.

Herbert W. Kaufman,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 94–7618 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–22–P

National Telecommunications and Information Administration (NTIA)

Public Hearing on Open Access and the National Information Infrastructure

NTIA will hold a public hearing, titled "Meeting the Information Needs of All Americans" in Durham, North Carolina at Duke University's Fuqua School of Business, on April 27, 1994, from 8 a.m. to 4:30 p.m.

To register for the hearing, fax or mail to Yvette Barrett, NTIA, Room 4892, Herbert C. Hoover Building, 14th and Constitution Ave. N.W., Washington, D.C. 20230, fax (202) 482–6173, on or before April 25, 1994, the following information: name, title, company/affiliation, address, telephone number, fax number, areas of interest, and whether written testimony is intended to be provided for the record.

FOR FURTHER INFORMATION CONTACT: Alfred Lee, (202) 482–1880, Office of Policy Analysis and Development.

Larry Irving,

Assistant Secretary for Communications and Information.

[FR Doc. 94–7713 Filed 3–30–94; 8:45 am]

BILLING CODE 3510–60–M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts' next meeting is scheduled for 21 April 1994 at 10 a.m. in the Commission's offices in the Pension Building, suite 312, Judiciary Square, 441 F Street, NW., Washington, DC 20001 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC, March 23, 1994.

Charles H. Atherton,

Secretary.

[FR Doc. 94–7590 Filed 3–30–94; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the procurement list.

SUMMARY: This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 2, 1994.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On January 21, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (59 FR 3332) of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Comments were made by the current contractor for this service, which also addressed the Committee at its March 10, 1994 meeting. The commenter indicated that addition of the service to the Procurement List would have a severe impact on the company. The comments also addressed two areas: What information the Committee's regulations permit it to consider when assessing the impact of its action on the contractor, and the changing nature of the market for Government food service contracting.

The commenter indicated that the Committee's regulations require it to focus solely on the legal entity which is the "current contractor" when it makes a determination whether addition of an item to the Procurement List would have a severe adverse impact on that contractor. According to the commenter, the regulations would not permit the Committee to consider affiliated companies in making its determination. The commenter also indicated that the Committee cannot consider in its impact determination the fact that the Government intends to offer this service to the Small Business Administration (SBA)'s 8(a) program if it is not added to the Procurement List because SBA regulations indicate that SBA will not place the service in the 8(a) program if the commenter as a small business can demonstrate that the placement would have a severe adverse impact on it by SBA's standards.

The Committee does not agree with the commenter's interpretation of its regulations. The Committee has long taken a broader view of what constitutes a "current contractor" impacted by its actions.

For example, it is the Committee's practice when it discovers that an impacted contractor is a subsidiary of another company to look to the sales of the parent company when making its impact calculations. The Committee does not believe that the mere absence of a reference to affiliated companies in its regulatory provisions concerning contractor impact bars it from considering affiliates in appropriate circumstances.

In this case, the legal entity performing the service in question is owned by a woman who is the wife of the owner of several other companies which deal exclusively in Government food service contracting. The husband is currently the sole Government representative of both his and his wife's companies. The Committee has discovered that at one Government facility where the wife's company is the current contractor, one of her husband's companies has bid for the next contract for this service in place of the wife's company. The two companies involved in that situation have names that are identical except one contains a reference to a city which is the location of both companies' headquarters.

Under these circumstances, the Committee believes that the Government food service contracting companies owned by this couple should be considered together as the "current contractor" which will be impacted by the addition of this service to the Procurement List. A more limited definition of the contractor would permit a business concern to distort the Committee's impact calculations by moving contracts around among its affiliated companies. The Committee has excluded another company owned

by the husband from its calculations because he was able to demonstrate that company is not involved in Government food service contracting.

The percentage of total sales of the affiliated food service companies which the value of the commenter's contract for the food service in question represents is not large enough to reach the level which the Committee normally considers to constitute severe adverse impact. The percentage of total sales of the legal entity performing the contract which this contract represents is also not large enough to be considered severe adverse impact, so even if the Committee accepted the commenter's argument on this point there would not be a severe adverse impact. The Committee has not considered the possible placement of the service in the SBA 8(a) program in these impact determinations.

The commenter provided projections for its 1994 sales to demonstrate its contention that these sales will be less than in 1993, so the impact of losing the service in question will be greater. However, the commenter's projections have not been consistent with each other. Consequently, the Committee does not believe it can rely on the accuracy of the projections enough to use them in determining the severity of impact on the commenter rather than actual sales data.

In regard to the nature of the market for Government food service contracts, the commenter claimed that contracting opportunities available to it have sharply declined in recent years because of SBA's 8(a) and small disadvantaged business programs and additions of Government food services to the Procurement List. The commenter provided data which it claimed indicated that less than twenty percent of its former market remained available to small businesses like itself which do not qualify as small disadvantaged businesses.

A review of this data disclosed that only thirteen percent of the Government food services identified as set aside by these programs were added to the Procurement List. The remaining 87 percent were removed from the commenter's market by the two SBA programs. The Committee believes the commenter, as a small business, should seek redress for this state of affairs with SBA, which controls the programs largely responsible for the commenter's predicament. Because the impact of the Committee's program on the commenter's market is not a substantial part of the losses the market has suffered, the Committee does not believe it adds enough to the impact on the commenter's sales to raise the total impact to a level which would constitute severe adverse impact on the commenter.

Comments were also received via the Department of Labor (DOL) from the union representing the current contractor's employees at the affected food service facilities. The union objected to adding the service to the Procurement List because it claimed the action would eliminate the jobs of all the union workers. These workers, according to the union, receive a good hourly wage and excellent benefits which they would be unable to replace in the local economy because of the high unemployment rate. The union also indicated the service would cost the Government substantially more once it had been added to the Procurement List, and the new workers would be paid less because they would receive a subminimum wage and no benefits.

The Committee recognizes that this and most of its other actions necessarily displace some individuals, including union members, who have been employed by the current contractor for the item being added to the Procurement List. The Committee believes such displacement is justified because the individuals with severe disabilities it serves are much less likely to obtain employment without its intervention than are the employees of current contractors. Nonetheless, given the union's concerns and the request of the nonprofit agency (which is sensitive to the concerns of those local residents who are being displaced), the Committee has agreed to allow a longer phase-in period for the conversion of direct labor to people with severe disabilities, so workers who will eventually be displaced will be able to remain for longer than usual.

It should also be noted that a significant percentage of the direct labor jobs associated with this contract will continue to be performed by people without severe disabilities, so not all union workers will be displaced. In addition, DOL regulations addressing successor contractors, including those participating in the Committee's program, require the successor contractor to pay equal wages to those paid by the union contractor for the first year, so remaining employees will not have their wages reduced as the union feared.

The Committee is required by its law to establish a fair market price for services added to the Procurement List, which precludes it from charging an unfairly high price. For contracts of this type, a large part of the price is labor costs. Direct labor wages are set by DOL and would apply to any contractor performing the service. The scope of work of the service has been increased from that performed by the current contractor due to personnel reassignments from military bases in the region which are being closed, which would account for the increase in price of this service under the Committee's program.

All the employees of the new contractor, regardless of their disability status, will receive the benefits included in the DOL wage determination, which was based on the current union wage and benefit structure, and will be paid the union wage (commensurate with their productivity if they have severe disabilities). No one will be paid a subminimum wage.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Food Service Attendant, McGuire Air Force Base, New Jersey.

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 94–7716 Filed 3–30–94; 8:45 am]

BILLING CODE 6820–33–P

COMMODITY FUTURES TRADING COMMISSION

Financial Instrument Exchange Trading Session at the International Financial Services Centre (Dublin, Ireland)

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for Comment.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is seeking comments on rule amendments submitted by the Financial Instrument Exchange ("FINEX"), a Division of the New York Cotton Exchange ("NYCE"), pursuant to Section 5a(a)(12)(A) of the Commodity Exchange Act ("Act") and Commission Regulations 1.41(b) and 1.41(c) which would provide for the trading of certain FINEX contracts on the floor of the International Financial Services Centre ("IFSC") in Dublin, Ireland. Specifically, the amendments would establish an extended trading hours session from 8 a.m. through 1 p.m., Dublin time (3 a.m. through 8 a.m., New York time), Monday through Friday. The proposal would allow futures and options contracts on both the US Dollar Index ("USDX") and the European Currency Unit ("ECU") to be traded at the IFSC. The Commission believes that publication of the proposal will assist the Commission in considering the views of interested persons and is consistent with the purposes of the Act. Copies of the proposed rule amendments and accompanying correspondence are available from the Secretary of the Commission at the address and telephone number set forth below.

DATES: Comments must be received on or before May 2, 1994.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: FINEX has submitted proposed rule amendments which would provide for an extended trading hours session at the IFSC in Dublin, Ireland. Under the proposed amendments, FINEX would list its USDX and ECU futures and options contracts for trading on the floor of the IFSC. In addition to full members of NYCE and FINEX licensees, European permit holders—a new FINEX membership interest class—would be able to trade such contracts on the IFSC floor.[1]

FINEX's proposed IFSC trading session would run from 8 a.m. through 1 p.m., Dublin time (3 a.m. through 8 a.m., New York time), Monday through Friday. Because FINEX already has an extended trading session for USDX and ECU contracts on its New York floor, the proposed IFSC session would be a revision of its existing extended trading session scheme. The current extended session begins trading each Sunday through Thursday evening at 7 p.m., recesses at 10 p.m., reopens ninety minutes later at 11:30 p.m. and trades until the session's close at 8:19 a.m. of the next day.[2] FINEX's regular trading session follows each day on Monday through Friday with an open at 8:20 a.m. and a close at 3 p.m.

Under FINEX's subject proposal, after the 7–10 p.m. segment of each FINEX extended trading session, there would be a recess in trading from 10 p.m. until 3 a.m. of the next day. At that time, trading in the designated FINEX contracts would recommence on the floor of IFSC and continue until 8 a.m. (8 a.m. through 1 p.m., Dublin time). Thus, under the proposal, FINEX's trading session at the IFSC essentially would replace the 11:30 p.m. (or 12:30 a.m. during Day Light Savings Time) to 8:19 a.m. segment of FINEX's current extended trading session.

Under FINEX's current proposal, the opening and closing times of each trading day would remain the same, opening at 7 p.m. of each Sunday through Thursday with the start of the extended trading session in New York and closing at 3 p.m. of the following Monday through Friday with the conclusion of the regular trading session.

A contract's settlement price would continue to be established at the end of the entire trading day—3 p.m. in New York. Daily price limits on the futures contracts would continue to be calculated on the basis of the settlement price and would apply to the entire following trading day. Volume and open interest would continue to be calculated after the end of each trading day.[3]

FINEX represents that its clearing organization, the Commodity Clearing Corporation ("CCC"), would not alter its current clearance and settlement system in connection with FINEX's proposal. Regardless of the membership status or location of the executing member, all transactions in FINEX contracts at the IFSC would have to be cleared by a CCC clearing member. Original and variation margin as well as option premium payments for trades executed during a trading day (7 p.m.–3 p.m.) would continue to be due at 10 a.m. on the next trading day as is presently the case. CCC also intends to continue to process an intra-day variation margin call between the hours of noon and 3 p.m. This intra-day variation margin call would use the previous trading day's positions and the trades executed during the two immediately following extended trading hours sessions in New York and Dublin and mark those positions to market. The CCC does not plan to establish any special intra-day margin call during the hours of the proposed extended trading session at the IFSC.

Persons trading FINEX contracts at the IFSC, NYCE members, FINEX licensees and European permit holders alike, would be subject, generally, to all of the requirements of FINEX's various rules and by-laws as a feature of their membership interests. Similarly, persons trading at the IFSC would enjoy the various rights and privileges established by those provisions such as arbitration and disciplinary procedures.

FINEX's oversight of trading of FINEX contracts in Dublin would be incorporated into the Exchange's current self-regulatory surveillance and compliance programs. FINEX's Compliance Department in New York would receive trade registers for FINEX trading activity at the IFSC and use its customary review techniques and exception reports to detect any improper trading activity. Just as it does on its New York floor, FINEX would have selected personnel directly monitor trading activity on the floor of the IFSC. The same FINEX personnel also would perform various support tasks, such as document retrieval and witness interviews, to assist the Compliance Department during investigations. The CCC also would establish an IFSC Floor Committee to take summary actions against market

[1] By letters dated January 21, 1994 through March 11, 1994, FINEX submitted to the Commission, pursuant to Commission Regulation 1.41(c), a proposed new Rule 6.19 and a proposed amendment to By-Law 2.33 which would authorize issuance of European permits. By letter dated March 14, 1994, the Division of Trading and Markets ("Division") informed FINEX that it had determined, pursuant to the authority delegated by Commission Regulation 1.41a(a)(3), that FINEX's proposal did not require prior Commission approval under Section 5a(a)(12)(A) of the Act and could be made effective immediately. In that same letter, the Division informed FINEX that holders of European permits could only trade FINEX contracts upon the Commission's approval of the currently pending proposal to establish procedures for the trading of FINEX contracts on the floor of the IFSC.

[2] The times for FINEX's current extended trading session are all expressed in Eastern Standard Time. During Eastern Day Light Savings Time, the session's open and close remains the same but the recess shifts to between 11 p.m. and 12:30 a.m. of the next day. The current extended trading session's hours were established to coincide with active trading hours in both the Far East and European exchange markets. In fact, the session's 90-minute recess corresponds with a mid-day break for Japan's financial markets.

[3] The Exchange plans to continue to publish a single price, volume and open interest figure for each contract each trading day.

participants who violate any of FINEX's decorum rules while trading at the IFSC.

In order to permit FINEX contracts to be traded at the IFSC, FINEX states that it will be obtaining a certificate of authority from the Irish Advisory Committee to do business in the Republic of Ireland. The IFSC and FINEX would have a simple landlord-tenant relation, and the IFSC would have no proprietary interest in FINEX or its trading activity at the IFSC.

FINEX believes that all persons trading FINEX contracts would, as a feature of their membership, be fully subject to all of FINEX's rules as well as the Commodity Exchange Act and the Commission's regulations. The Division is engaging in separate discussions with the Central Bank of Ireland, the appropriate Irish regulatory body, to clarify regulatory responsibilities between the Bank and the Commission and to ensure effective information access and oversight with respect to FINEX trading at the IFSC.

Any person interested in submitting written data, views or arguments on the proposed trading of FINEX contracts at the IFSC and proposed implementing rule amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC, on March 24, 1994.

Alan L. Seifert,

Deputy Director.

[FR Doc. 94–7580 Filed 3–30–94; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DoD Advisory Group on Electron Devices; Cancellation of Meeting

ACTION: Notice; cancellation of meeting.

SUMMARY: The meeting of the DoD Advisory Group on Electron Devices (AGED) Working Group B scheduled for 0900, Tuesday, March 28, 1994, as published in the **Federal Register** (Vol. 59, No. 49, Page 11781, Monday, March 14, 1994, FR Doc. 94–5843) was canceled.

FOR FURTHER INFORMATION CONTACT: Warner Kramer, AGED Secretariat, 2011 Crystal Drive, suite 307, Arlington, Virginia 22202.

Dated: March 28, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–7651 Filed 3–30–94; 8:45 am]

BILLING CODE 5000–04–M

Investigative Capability Advisory Board; Meeting

AGENCY: Advisory Board on the Investigative Capabilities of the Department of Defense.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Advisory Board on the Investigative Capability of the Department of Defense. The purpose of the meeting is to receive briefings from various government officials and for discussion following the briefings. The meeting will be closed from 8:30 a.m. until 10 a.m. This determination is based upon the consideration that it is expected that the discussions will involve classified matters of national security. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the closed portion of the meeting. To permit all of this Advisory Board meeting to be open to the public would prevent discussion of such matters and would greatly diminish the Board's findings and recommendations to the Secretary of Defense.

DATE AND TIME: April 8, 1994 from 8:30 a.m.–5:30 p.m.

ADDRESSES: 1700 N. Moore Street, suite 1425, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: E. Vaughn Dunnigan, Deputy Staff Director, Advisory Board on the Investigative Capability of the Department of Defense, 1700 N. Moore Street, suite 1420, Arlington, VA 22209; telephone (703) 696–6055.

Dated: March 28, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–7650 Filed 3–30–94; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army

Defense Transportation Tracking System

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice; policy statement.

SUMMARY: A notice regarding the Defense Transportation Tracking System contained in the **Federal Register** Volume. 59 FR 75, January 3, 1994, stated it is Department of Defense policy to track all Security Risk Category (SRC) I through IV Arms, Ammunition, and Explosives (AA&E) using Satellite Motor Surveillance Service (SM). The notice announced that shipments of Uncategorized Division 1.1 through 1.3 munitions will use SM at the option of the DOD shipper service headquarters. The shipper service headquarters have decided to require SM for Uncategorized shipments at this time. The rating and routing policies and procedures contained in the January 1994 notice will apply to Uncategorized, as well as to SCR AA&E shipments.

EFFECTIVE DATE: March 14, 1994.

ADDRESSES: Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Jones, (703) 756–1913.

SUPPLEMENTARY INFORMATION: The shipper services are defined as the Departments of the Army, Navy, and Air Forces; United States Marine Corps; and Defense Logistic Agency. Each retains the option on requiring the use of SM for Uncategorized shipments. At this time, each has opted to require it. The same rating and routing policies and procedures will apply as for other SM shipments.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 94–7659 Filed 3–30–94; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Intent To Reopen Scoping for an Environmental Impact Statement for Proposed Facilities for Homeporting up to Three Future Replacement Nimitz Class Aircraft Carriers at Naval Air Station North Island, San Diego, CA

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to reopen scoping for an Environmental Impact Statement (EIS) for homeporting up to three future replacement Nimitz class aircraft carriers at Naval Air Station (NAS) North Island, San Diego, California.

Since the Notice of Intent (NOI) and Public Scoping Meeting of August 17, 1993 held in Coronado, California, a revision to the anticipated number of

homeported aircraft carriers has occurred. Because of ongoing dynamic organizational changes in the defense structure, the Navy anticipates the need for facilities at NAS North Island to support the homeporting of up to three nuclear aircraft carriers. The previous NOI indicated the requirement for facilities to support the homeporting of two replacement nuclear aircraft carriers and one transient nuclear aircraft carrier. This change may result in additional personnel.

In the public notice and as described during the public scoping meeting, supporting facilities would need to be constructed in support of the replacement nuclear-powered aircraft carriers. New planning information indicates these new facilities would accommodate equipment and personnel to perform routine maintenance on nuclear propulsion plant system. Planned capabilities include the repair of electronic and electrical components, and both radioactive and non-radioactive mechanical system components. To provide adequate access for vehicles and towed aircraft, the size of the proposed bay fill may need to be increased from 15 to 18 acres.

We anticipate having a Draft EIS available for public review and comment in July 1994.

For more information regarding this project, please call NAS North Island Public Affairs Officer at (619) 545–8167. Please submit written comments regarding this notice no later than 2 May 1994 to: Commanding Officer, NAS North Island (Code 00B), P.O. Box 357033, San Diego, CA 92135–7033.

Dated: March 28, 1994.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 94–7649 Filed 3–30–94; 8:45 am]

BILLING CODE 3810–01–M

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on April 18, 1994, at Alumni Hall, United States Naval Academy, Annapolis, MD, at 8:30 a.m. The session will be open to the public.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

For further information concerning this meeting, contact: LCDR Timothy A. Batzler, U.S. Navy, Secretary to the Board of Visitors, Office of the Superintendent, United States Naval Academy, Annapolis, MD 21402-5000, Phone (410) 293-2402.

Dated: March 22, 1994.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 94-7594 Filed 3-30-94: 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF EDUCATION

Fund for the Improvement and Reform of Schools and Teaching; Board Meeting

AGENCY: Fund for the Improvement and Reform of Schools and Teaching Board, Education.

ACTION: Notice of a closed teleconference meeting.

SUMMARY: This notice sets forth the schedule and agenda of a closed meeting of the Fund for the Improvement and Reform of Schools and Teaching Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: April 7, 1994, 3 p.m. (est).

ADDRESSES: U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC on April 7, 1994, 3 p.m.

FOR FURTHER INFORMATION CONTACT: Paula Shipp, Fund for the Improvement and Reform of Schools and Teaching, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208–5524, (202) 219–1496.

SUPPLEMENTARY INFORMATION: The Fund for the Improvement and Reform of Schools and Teaching (FIRST) Board was established under section 3231 of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297).

The Board was established to advise the Secretary concerning developments in education that merit his attention; identify promising initiatives to be supported under the authorizing legislation; and advise the Secretary and the Director of FIRST on the selection of projects under consideration for support, and on planning documents, guidelines and procedures for grant competitions carried out by FIRST.

The FIRST Board Meeting will be closed to the public for the Board to review and discuss Schools and Teachers—School Level Program applications submitted for funding. The review and discussions during this closed meeting will involve applicants, funding requests and levels, and names and comments of expert reviewers which would likely disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential, and may disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (4) and (6) of section 522b(c) of title 5 U.S.C.

The public is given less than fifteen (15) days notice of this meeting because of difficulties encountered in scheduling participants who are essential to the actions described in this notice.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b(c) will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement and Reform of Schools and Teaching, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208–5524, from the hours of 8:30 a.m. to 5 p.m.

Dated: March 25, 1994.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 94–7795 Filed 3–30–94; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Surcharge Rebates: Notice of Response to Comments on Draft Policies and Procedures, and Final Policies and Procedures

AGENCY: Office of Environmental Restoration and Waste Management, Department of Energy.

ACTION: Notice of final policies and procedures for payment of surcharge rebates.

SUMMARY: This notice provides the Department of Energy's (DOE) responses to the comments received on two notices published in the **Federal Register** on September 30, 1992, which described the DOE's policies and

procedures for issuing surcharge rebates following the January 1, 1993, milestone in the Low-Level Radioactive Waste Policy Act, as amended (the Act). The Low-Level Radioactive Waste Policy Act, as amended, (42 U.S.C. 2021b et seq.) established incentives and milestones for the development of disposal capacity for low-level radioactive waste (LLRW) in States and compact regions that do not currently have operating disposal facilities. States or compact regions that meet certain milestones set forth in the Act receive a rebate of a portion of surcharge payments made by generators within those States for disposal of low-level radioactive waste at the currently operating disposal facilities. In those States or compacts that fail to meet the 1993 milestone, surcharge rebate funds are returned to the generators of LLRW within their borders who paid the surcharge. The surcharge funds are held by the DOE in a single escrow account and paid to eligible recipients who meet a specific milestone, or to LLRW generators if the 1993 milestone was not met. This notice provides revised eligibility criteria, policies and procedures for those generators, States and compacts eligible to request surcharge rebates.

EFFECTIVE DATE: March 31, 1994. However, no rebate payments will be disbursed by DOE earlier than May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Terry L. Plummer, Office of Waste Management, Environmental Restoration and Waste Management, Department of Energy, Washington, DC 20585–0002 (301–903–7176).

SUPPLEMENTARY INFORMATION:

I. Background

The Low-Level Radioactive Waste Policy Act's final milestone for the payment of surcharge rebates was January 1, 1993. The Act requires payment of a rebate of surcharge funds to States or their compact regions if by that date, "the State in which such waste originated (or its compact region, where applicable) is able to provide for the disposal of all low-level radioactive waste generated within such State or compact region." 42 U.S.C. 2021e(d)(2)(B)(iv). States that do not provide for disposal of their waste also may become eligible under the Act to receive surcharge funds by accepting title, possession and liability for the waste, although none have done so to date. States that do not take either of these actions forfeit surcharge rebate funds to the generators of LLRW within their borders who paid the surcharge. In that event, the Act provides that these surcharges, with interest, are to be provided to waste generators in 36 monthly payments beginning by February 1, 1993. If a State can demonstrate, at any time between January 1993 and January 1996, that it is able to provide for disposal of its LLRW, monthly surcharge payments to the generators would be discontinued, and the balance of the surcharge funds attributable to generators in that State would be provided to the State in one lump sum.

The Secretary of Energy is designated in the Act as trustee for the surcharge escrow account and the Act requires DOE to evaluate the status and progress of each State and compact region to determine the proper disbursement of surcharge funds following each milestone set forth in the Act. On September 30, 1992, DOE issued two **Federal Register** notices containing draft policies and procedures for determining eligibility of States and compacts for payment of surcharge rebates following the January 1, 1993, milestone.

The first notice announced "Eligibility Criteria and Procedures" for States or their compact regions, or, in the alternative, waste generators, to receive surcharge rebates. The notice indicated that, although public comments were not required, DOE would accept written comments submitted within 45 days of the notice. 57 FR 45248 (1992). The second notice provided a discussion of policies related to the disposal of "mixed waste and the 1993 deadline in the * * * Act." The notice invited public comments within 30 days of the notice. 57 FR 45249 (1992).

Today's notice provides DOE's responses to the comments received on both notices and sets forth revised final policies and procedures for requesting and issuing surcharge rebates. After considering all comments, including those addressing the sufficiency of existing contracts for access to the Barnwell LLRW disposal facility in South Carolina to meet the January 1, 1993, milestone, DOE has concluded that:

(1) The Act requires that to receive a LLRW surcharge refund, a non-sited State or compact region must meet its January 1, 1993 obligation "to provide for the disposal of all low-level radioactive waste generated within such State or compact region." States that do not provide for disposal of their waste also may become eligible under the Act to receive surcharge funds by providing for such disposal any time between January 1, 1993 and January 1, 1996, or by accepting title, possession and liability for the waste. States that do not take either of these actions forfeit surcharge rebate funds to the generators of LLRW within their borders who paid the surcharge.

(2) The Act does not explicitly define the term "provide for the disposal of all" LLRW.

In the absence of an explicit definition, one demonstration of the ability to provide for the disposal of all LLRW generated within a State or compact region would be the existence of an enforceable contract for disposal with a sited State or region. A second demonstration would be that generators are in fact provided with the ability to dispose of their waste under a contractual arrangement between their State or compact region and a sited State or region, even if that contract were not by its terms enforceable. Thus, DOE will consider as eligible for pro-rata surcharge rebates entities that have the existing standard contracts for access to the Barnwell facility from January 1, 1993 through June 30, 1994, if they are in fact currently providing covered generators with LLRW disposal capacity.

(3) Surcharge rebates will be provided to generators of LLRW from States and compact regions not complying with the 1993 milestone provisions described above.

(4) The fact that non-sited States and compact regions do not provide for disposal of mixed waste, i.e., hazardous waste regulated under the Resource Conservation and Recovery Act that also contains low-level radiation, will not render non-sited States and regions non-compliant with their January 1, 1993, obligation to "provide for the disposal of all" low-level radioactive waste and thus they are eligible for rebates in accordance with the criteria above.

II. Comments Received and DOE Responses on Issues Related to the Earlier Notices

Section II E of this notice provides a list of organizations that provided comments. DOE's responses to these comments are contained in sections II A–D of this Notice. The majority of comments concerned the implications for surcharge payment eligibility of a standard 18-month extension of access to the Barnwell, South Carolina, disposal facility (addressed in section II A) and of States or their compact regions not providing for disposal of mixed waste (addressed in section II B). In addition, a number of other comments were received on procedural issues, and specific suggestions were offered relating to the wording of some

of the procedures. Sections II C and D provide DOE responses to these comments. Revisions to the procedures for claiming and processing rebates are described in section IV of this notice.

A. Implications for Surcharge Payment Eligibility of Contracting for an 18–Month Extension of Access to the Barnwell, South Carolina, Disposal Facility.

Under the Act, the three States with operating disposal facilities were allowed to limit use of those facilities to waste generators within their respective regions beginning January 1, 1993. While two (Nevada and Washington) of the sited States closed their disposal facilities to out-of-compact region States in June 1992, the State of South Carolina chose not to limit access to its disposal facilities to out-of-compact generators, but instead to allow the disposal facility located in Barnwell County to continue accepting LLRW from outside the Southeast Compact region through June 30, 1994. To obtain this extended access, eligible States or compact commissions were required to execute a standard contract offered by the Southeast Compact Commission that provided terms and conditions for access after January 1, 1993.

The offer of extended access to the Barnwell, South Carolina facility raised a significant issue related to eligibility for surcharge rebates. DOE's original Notice of Eligibility Criteria and Procedures had provided that a State or compact would be eligible for a rebate of surcharge funds if the State or compact, on January 1, 1993, had "a valid contract with another State or compact region for disposal or storage of all low-level waste." 57 FR 45248. Because access to the Barnwell site under the standard contract was limited by South Carolina to 18 months, could be canceled at will by either party with 60 days notice, and by its own terms purported not to be a contract for disposal, a number of generators, States, and compact regions provided views on whether execution of such a contract by a State or compact could be considered compliance with the requirements of the January 1, 1993, milestone. With some exceptions and variations, the States and compact regions that provided comments on this issue generally contended that States and compact regions that had entered into 18 month agreements were entitled to surcharge rebates. In contrast, the commenting waste generators or generator representatives generally asserted that the 18 month Southeast Compact Commission agreement should not entitle States and compacts to surcharge rebates.

For reasons stated below, DOE is providing notice that a contractual arrangement such as the Southeast Compact Commission standard contract, when coupled with a demonstration of the actual provision of low-level radioactive waste disposal capacity, would be a demonstration of meeting the January 1, 1993, milestone in the Act sufficient to invoke, pro rata, its rebate scheme.

Discussion

The Department believes that as a threshold issue, a contract for disposal is generally a valid method of complying with the 1993 deadline. In taking this position, the Department rejects the view that the January 1, 1993 milestone can be met only by each State or compact region having developed its own additional disposal facilities for the following reasons. First, if the January 1, 1993, obligation could be met only by a State or compact region's construction of new disposal capacity, the statute would have indicated this with greater clarity than the statutory text actually adopted.

Second, the statutory text actually adopted to describe the January 1, 1993, obligation ("provide for the disposal" of low-level radioactive waste) is identical to that contained in 42 U.S.C. 2021e(e)(1)(F), a provision that also specified explicitly that "an agreement with [a sited] region" would suffice for a non-sited State "to provide for the disposal" of its low-level radioactive waste.

Third, given that a central policy of the Act is that each State, on its own or in cooperation with other States, must provide for means for LLRW waste disposal, 42 U.S.C. 2021c(a)(1), the legislative history of the Act makes it clear that voluntary arrangements with other States are sufficient to satisfy this objective of the Act. While the incentives of the Act, which were supported by the three existing sited States, were to be a means of encouraging new disposal capacity to relieve the burden of LLRW disposal on the sited States, continued disposal at any site was permissible if the sited State consented to further LLRW disposal. This point was made in the Senate Energy and Natural Resources Committee report on the Act's milestones:

> [The predecessor milestone provision of] Section 5(e)(1)(D) allows any non-sited State subject to the milestones to enter into an appropriate agreement with a compact commission for a region in which an operating disposal facility is located to provide for the disposal of the non-sited State's low-level radioactive waste. The State in which the disposal facility is located must approve the agreement.
>
> The appropriateness of any such agreement is a matter to be settled by the parties to the agreements themselves. The Committee assumes that sited regions will refues (sic) to enter into any agreement that they view as detrimental to their interests. Nothing in the Act requires any party to enter into an agreement. On the other hand, one of the sited regions may be able to come to a mutually acceptable voluntary agreement with a non-sited State to dispose of the waste generated in that non-sited State. The Committee sees no reason why such an agreement would not be an acceptable solution to the provision of adequate low-level radioactive waste disposal capacity in the context of the policy set out in the Act. Therefore, the agreement would be an entirely acceptable substitute for compliance with the milestones of the Act.

S. Rep. No. 199, 99th Cong., 1st Sess., at 13 (1985).

The Senate Committee report agreed with the earlier report of the House Interior and Insular Affairs Committee on the issue of using contracts to comply with milestones. In discussing the requirement that a non-sited State show with reasonable certainty that it will be capable of providing for the disposal of LLRW generated within its borders, or providing some alternative for management of such waste when the period of mandated interim access to operating disposal capacity would terminate in December of 1992, the Committee reported that under the House version of the Act:

> The governor [of an unsited State] might show that some alternate to disposal technology will be provided by the state, such as interim storage facilities, or that disposal will be provided through an arrangement with another compact or state that has an operating disposal capacity or which has provided acceptable assurance that disposal or other facilities will be available in a timely manner. The intent of the committee is not to require states and compacts each to have demonstrated by this date they will have provided for disposal of the waste generated in the state or region but to assure the committee and the Congress that when interim access is terminated, low level waste generated within each state will not constitute an involuntary burden either on the other states or on the Federal government or any Federal agency.

H.R. Rep. No. 314, 99th Cong., 1st Sess., Pt. 1, at 31 (1985), reprinted in 1985 U.S.C.C.A.N. 2994.

Finally, the Supreme Court seems to have viewed the statute as permitting non-sited States to avoid the post-1995 taking-title sanction through meeting the January 1, 1993, statutory obligation to provide disposal capacity "by contracting with sited regional

compacts." *New York* v. *United States*, 112 S.Ct. 2408, 2428 (1992).

As the threshold question whether contracting for disposal capacity can suffice to fulfill the 1993 milestone has been answered in the affirmative, the next question is whether the standard contracts that have been entered into between non-sited States and regions and the Southeast Compact Commission would be sufficient to fulfill the January 1, 1993, obligation, and, if not, whether and how any deficiency affects the payments to which the non-sited State or compact region otherwise would be entitled. For the following reasons, DOE concludes that while a contract is one method of compliance with the milestone, because of particular features of the Southeast Compact Commission standard contracts, i.e., their limited duration and cancellation provisions, the contract terms themselves are not dispositive, but rather must be examined in conjunction with the question whether disposal capacity is actually being furnished.

The commenters on DOE's original notice advanced two particular contentions bearing on the question whether the particular contracts executed between non-sited States and regions and the Southeast Compact Commission are by their terms adequate "to provide for the disposal" of "all" low-level radioactive waste generated within their borders. The first is that the 18-month duration of these contracts makes them inadequate because it does not provide for "permanent" or long-term disposal of low-level radioactive waste. See comments of Edison Elec. Inst. 1, 3 & 4 (Nov. 13, 1992). With respect to this contention, however, the statute's text does not require non-sited States to provide for "permanent" disposal of low-level radioactive waste; the statute merely requires those States or regions on January 1, 1993 to be "able to provide for the disposal of" such of that waste which is generated within the particular non-sited State or region. Although it is true that the statute defines the term "disposal" to mean the "permanent isolation of low-level radioactive waste," 42 U.S.C. 2021b(7), it seems clear from the definition's terms that the required "permanen[ce]" is the isolation from the environment of that waste which in fact is emplaced in a disposal facility, and not that the term "disposal" imparts by itself any particular duration for conducting, or for "providing for," disposal activity. Because the statute does not expressly specify the duration of the period for which a non-sited State must be "able to provide for the disposal" of waste in order to have met its January 1, 1993, milestone, it is necessary to examine the related workings of the statute during the 3-year period between January 1, 1993, and January 1, 1996, in considering this question.

First, each non-sited State or compact region that has failed to meet the January 1, 1993, milestone may fulfill its obligation by taking title to the waste and accepting liability for damages to each generator for any inability by the State to take possession of the waste as soon after January 1, 1993, as the generator notifies the State that the waste is available for shipment. 42 U.S.C. 2021e(d)(2)(C)(i). A non-sited State, however, is not required to take title to the waste during the 3-year period between January 1, 1993, and January 1, 1996. See *New York* v. *United States, supra*. In the event a State that has not provided for disposal of its LLRW on January 1, 1993, chooses not to take title to the waste, the generators in that State are to begin receiving proportionate repayments of the 25% of the surcharge imposed between January 1, 1990, and December 30, 1992, and held by the Secretary. These repayments, however, are to be made on a monthly basis of 1/36th of the total due to be repaid, until January 1, 1996 or, if earlier, whenever the non-sited State becomes "able to provide for the disposal" of all low-level radioactive waste generated within that State. 42 U.S.C. 2021e(d)(2)(C)(ii).

The reason for the interruption of payments to the generators is that the statute evidences a broad intention that it serve as a mechanism to encourage States and compact regions to come into compliance with its provisions. For instance, the Act explicitly affords a State that is non-compliant as of January 1, 1993, the opportunity to come into compliance for the remainder of the 3-year period, and thereby become eligible to receive its remaining share of the 25% surcharge balance:

> If a State (or, where applicable, a compact region) in which low-level radioactive waste is generated provides for the disposal of such waste at any time after January 1, 1993 and prior to January 1, 1996, such State (or, where applicable, compact region) shall be paid * * * a lump sum amount equal to twenty-five per centum of any amount collected by a State under paragraph (1): Provided, however, That such payment shall be adjusted to reflect the remaining number of months between January 1, 1993 and January 1, 1996 for which such State (or, where applicable, compact region) provides for the disposal of such waste.

42 U.S.C. 2021e(d)(2)(C).

This aspect of the statutory scheme indicates that, for the particular purpose of payment eligibility, each non-sited State or compact region is under a continuing duty to provide for the disposal of all of its LLRW during the entire 3-year period between January 1, 1993, and January 1, 1996. It also indicates that the Congress intended that non-sited States or their compact regions that are non-compliant with their disposal obligation for only a portion of this 3-year period nonetheless would remain eligible to receive proportionate payments by the Secretary corresponding to the portion of the 36-month period in which they have met their disposal obligation.

The Department concludes that for complete, lump-sum rebate eligibility, the States or their compact regions must have provided for disposal capacity for the entire 36-month period between January 1, 1993, and January 1, 1996. The duration of the existing contracts with the Southeast Compact Commission, however, covers just half of the required 36-month period.

In the absence of a 3-year contract sufficient for a lump sum payment, DOE notes that as of January 1, 1993, those non-sited States and regions that had executed the 18-month contract with the Southeast Compact Commission were in fact then providing for the disposal of their low-level radioactive waste. Owners and generators of such waste were and are being provided access to the Southeast Compact Commission's disposal facility. Because the non-sited States that have executed these contracts have not simply chosen to opt-out of their obligation to provide for the disposal of their low-level radioactive waste, it does not seem that the event that would give rise to reimbursement of owners and generators—failure to arrange access to a disposal facility—has yet occurred. Therefore under the contractual arrangements in place, it seems impossible now to conclude that owners and generators have lost or will in fact lose access to disposal facilities through failure of their State or region to provide for disposal of this waste for the 18-month period provided in the standard contract.

At the same time, however, because it appears that each non-sited State or region is required to have "provided" for the disposal of all its low-level radioactive waste at a minimum for the entire 36-month period beginning January 1, 1993, it is difficult to conclude that, by entering into 18-month contracts, those States or regions have fully met the obligation that entitles them to payment in a lump sum of their share of the remaining surcharge balances held by the Secretary. The 18-month duration of the existing standard contracts with the Southeast Compact

Commission indicates that by their terms, these arrangements will expire before the end of the 36-month period set forth in the Act. When this occurs and no replacement contract were executed, prior payment to each non-sited State or region having such a contract of the entire amount of its share of the surcharges would leave nothing for reimbursement of owners and generators.

The text of the statute itself provides the answer to addressing contracts for less than the duration of the three year period. "If a State [or region] * * * provides for the disposal of [its] waste at any time after January 1, 1993 and prior to January 1, 1996," it "shall be paid * * * a lump sum amount * * * adjusted to reflect the remaining number of months between January 1, 1993 and January 1, 1996 for which such State [or region] provides for the disposal of such waste." 42 U.S.C. 2021e(d)(2)(C). Here, the non-sited States and regions thus far have "provide[d] for the disposal" of their LLRW for a period of 18 months "after January 1, 1993 and prior to January 1, 1996." The Department interprets "the remaining number of months" to mean the months in the 36-month period that remain after subtracting the number of months during which disposal was not provided, rather than the number of months in the 36-month period that remain after the month in which disposal services were first provided. It follows from this that the "lump sum" to which they otherwise might be entitled should be "adjusted to reflect" the number of remaining months during the 36-month period for which they have provided for the disposal of their low-level radioactive waste. In this light, the "remaining number of months between January 1, 1993 and January 1, 1996" for which holders of the 18-month contracts are providing for disposal of their waste simply is 18 months. In short, the 18-month duration of the standard contracts with the Southeast Compact Commission would be sufficient for a payment at this time of 18/36ths, or one-half, of the amount the non-sited States and regions otherwise might have received from the Secretary's trust account.

The Department believes that this approach avoids the illogical result of having DOE pay surcharge rebates for the entire three year period when, in fact, the 18-month contracts for disposal will expire by their own terms midway through the three year period and provision for disposal for the generators may cease. On the other hand, the 18-month contracts may be renewed or other contracts may be entered into with other States or compact commissions that would satisfy the requirements of the Act of providing for disposal of LLRW. In that case, the Department believes that further payments of the surcharges collected would be warranted. In the event that disposal capacity is not provided at that time, however, then the generators would be entitled to begin receiving the rebates in the monthly installments specified by the Act.

Moreover, a segmented approach to payment of the surcharge rebates is permissible because the clear statutory object of the Act is that States and compact regions be encouraged to stay in compliance with the Act by furnishing disposal capacity, e.g., 42 U.S.C. 2021e(d)(2)(C). By dividing the payments into two discrete periods, bridging the three year period between January 1, 1993, and January 1, 1996, DOE is furthering the purposes of the Act by encouraging the States or their compact regions to continue to provide disposal capacity for their generators during this 3-year transition period until longer disposal arrangements can be made. Of course, if the 18-month contracts are not renewed, or if they are canceled, and the States and compact regions have not furnished new disposal capacity, taken title to the LLRW or otherwise manifested an ability "to provide for the disposal of all low-level radioactive waste generated within such State or compact region," the balance of the surcharge rebates ultimately will revert to the generators.

Finally, pro rata rebate eligibility under 42 U.S.C. 2021e(d)(2)(C) arises from providing for disposal "at any time after January 1, 1993 and prior to January 1, 1996." The statutory text does not say "beginning" at any time during that period. "Any time" means just what is says, and can include the first 18 months of the period just as readily as the second 18 months.

DOE's interpretation of the Surcharge Rebate Eligibility Criteria as applying to a standard contract with another State or compact region is appropriate because refunding surcharge rebates to the States or compacts having contracts for the disposal of LLRW will further the purpose of the Act. The purpose of providing rebates to States or compacts is to assist them in disposing of LLRW so that they will not be an involuntary burden on other sited States or the Federal government. H.R. Rep. No. 314, part 1, *supra*, at 31. By law, rebate payments may only be used by States or compacts to establish low-level radioactive waste disposal facilities, mitigate the impact of low-level radioactive waste disposal facilities on the host State, regulate low-level radioactive waste disposal facilities, or ensure the decommissioning, closure, and care during the period of institutional control of low-level radioactive waste disposal facilities. 42 U.S.C. 2021e(d)(2)(E). Since refunds may be used only for low-level waste disposal purposes under the Act, the refund of surcharge rebates to States or their compact commissions will further purposes of the Act by furnishing the funds necessary to develop disposal capacity.

In addition, rebates to States and compacts also further the purposes of the Act by giving States or their compact commissions more flexibility to work out LLRW disposal arrangements during transition periods. For instance, since South Carolina could extend access for out-of-compact waste past the current self-imposed termination date of June 30, 1994, a State or compact commission could ease the transition to its own LLRW disposal facilities if the Southeast Compact Commission further contracted to accept out-of-compact waste while that State or compact commission develops its own disposal site. Similarly, other States or their compact commissions could also contract for access to Barnwell or other regional facilities that would come into being. Temporary contracting by a State whose facilities are almost ready to begin operation could give a State additional flexibility while establishment of its own regional facility is progressing.

For the foregoing reasons, DOE concludes that the standard contract of 18-month duration with the Southeast Compact Commission, when coupled with the provision of actual disposal capacity, is sufficient under the Act for a lump sum payment at this time of 18/36ths, or one-half, of the amount the non-sited States and regions would receive from the escrow account held by the Secretary, provided that the standard contract and arrangements under it have provided for disposal of "all" covered low-level radioactive waste.

B. Implication of States and Compacts Not Providing for Disposal of Low-Level Mixed Waste

The second major issue raised by commenters is that, by failing to include radioactive mixed waste (waste that has both hazardous and radioactive constituents), a contract would not meet the statutory requirement that each non-sited State provide for the disposal of "all" low-level radioactive waste by January 1, 1993. Under this view, by failing to include radioactive mixed

waste, a contract would fail to meet the statutory requirement that each non-sited State provide for the disposal of "all" low-level radioactive waste generated within such State or compact region by January 1, 1993.

The Act first defines low-level radioactive waste to mean "radioactive material" that "is not high-level radioactive waste, spent nuclear fuel, or byproduct material," and which the Nuclear Regulatory Commission "classifies as low-level radioactive waste." 42 U.S.C. 2021b(9). Standing alone, this definition would have low-level waste mean whatever radioactive material the NRC might now or hereafter "classif[y]" as low-level radioactive waste, provided the material so classified did not fall within the three excluded categories of high-level radioactive waste, spent nuclear fuel and byproduct material.

In defining State responsibilities, however, the Congress chose to fix the definition of "radioactive waste" implicating State duties under the Act as that waste which "consists of or contains Class A, B, or C radioactive waste as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983." 42 U.S.C. 2021c(a)(1)(A). Moreover, the Act went on to specify that "[n]o regional disposal facility may be required to accept for disposal *any material* * * * that is not low-level radioactive waste as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983[.]" 42 U.S.C. 2021c(a)(2)(A) (emphasis supplied).

Thus the statute's text indicates that the waste disposal obligation it imposed on the States was confined to those wastes that were "defined by" 10 CFR 61.55 in effect on January 26, 1983. That provision, in turn, did not itself address at all either the characteristics or the status of those materials under the Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992, which defines and provides for regulation of hazardous waste. Instead the regulation simply defined "classification" of waste eligible for "near surface disposal" based only on "two considerations"—the "concentration of long-lived radionuclides" and the "concentration of shorter-lived radionuclides." 10 CFR 61.55(a)(1) (1983).

None of these statutory elements exhibits any indication by the Congress that the Act was intended to impose on States any duties regarding, let alone address, the subject of mixed waste. This conclusion is reinforced by the relevant legislative history.

The House Report described State responsibility as follows:

> Section [2021c(a)] makes states responsible for providing for disposal of * * * waste as defined by § 61.55 of title 10, Code of Federal Regulations, as in effect on December 27, 1982.[1] This reference * * * is intended to remain independent of definitions of low-level radioactive waste developed by state or Federal entities, or for other purposes under Federal law.

H.R. Rep. No. 314, 99th Cong., 1st Sess. 24 (1985), reprinted in 1985 U.S.C.C.A.N. 2987.

The Congress, however, was not oblivious to the existence of mixed waste when it considered this legislation. The bill reported to the House would have addressed (albeit elsewhere in the legislation) this subject explicitly by imposing new duties on federal agencies—not the States. See H.R. Rep. No. 314 (Pt. II), 99th Cong., 1st Sess. 37 & 38 (1985), reprinted in 1985 U.S.C.C.A.N. 3026–27. The Senate, too, had the opportunity to address mixed waste when it considered this legislation. See Amendment No. 1429, Section 11, 131 Cong. Rec. 38605 (1985). Ultimately, however, Congress decided not to address the subject of mixed waste at all in this legislation. See 131 Cong. Rec. 38118–19 (1985) (House rejecting the Senate-passed mixed waste provisions as raising complex issues).

From this it follows that non-sited States and regions are obligated to "provide for the disposal" of "all" volumes of conventional low-level radioactive waste generated within their borders. The Act, however, imposed no explicit requirements on any State, including any non-sited State, regarding the subset of low-level radioactive mixed waste.

It also appears that none of the sited States accepted low-level radioactive mixed waste from generators, and therefore did not collect surcharges attributable to radioactive mixed waste. Since none of the surcharges collected by the sited States were paid by generators for the disposal of radioactive mixed waste, it follows that there are no rebate surcharge funds available which generators should be entitled to receive in the form of a rebate.

In view of the foregoing, DOE has concluded that the fact that the 18-month contracts with the Southeast Compact Commission do not provide access for disposal of mixed waste does not render non-sited States and regions that have entered into these contracts noncompliant with their January 1, 1993 obligation to "provide for the disposal of all" low-level radioactive waste.

[1] This date reflects the publication in the **Federal Register** that yielded the Code of Federal Regulations provision cited in the statute as it was ultimately enacted. See 10 CFR part 61 note (1983).

C. Comments on Other Issues Identified in the Notices

Following are comments and DOE responses on several other issues identified in the notices.

One view expressed by a commenter was that a generator should not be required to store waste between January 1, 1993, and January 1, 1996, in order to be eligible to receive a rebate of surcharges that it paid between January 1, 1990 and December 31, 1992.

The policy announced previously made eligibility of a generator for payment of surcharge rebates contingent upon the generator possessing at least one shippable container of waste after January 1, 1993, and making the waste available to the State—until the generator did this, monthly rebates would be forfeited to the sited States. 57 F.R. 45248 (1992). Upon consideration of the comments and further review, DOE has decided to revise the policy.

The Act provides, in part:

> [I]f such State elects not to take title to, take possession of, and assume liability for such waste pursuant to clause (i), twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning January 1, 1990 and ending December 31, 1992 shall be repaid, with interest, to each generator from whom such surcharge was collected.

42 U.S.C. 2021e(d)(2)(C)(ii). The section goes on to require that such payments be made in 36 monthly installments beginning February 1, 1993.

DOE is aware of the fact that many small generators produce waste only sporadically and may not have had a container of waste to offer to their States beginning early in 1993. Some may have paid surcharges between 1990 and 1992 but no longer generate waste. Under the procedures in the previous Notice, such a generator would forfeit its monthly surcharge payments, in apparent contradiction of the Act, to the sited States until such time as it had a shippable container of waste to tender to the State.

Therefore, the clear directive from the Act, that DOE issue monthly surcharge payments beginning February 1, 1993, to "each generator from whom surcharges were collected," suggests a reasonable alternative interpretation. The introductory reference to "such waste, pursuant to clause (i) can be read in a way that is consistent with this directive. Within this context, "such waste" refers not just to specific containers of waste awaiting shipment to the State, but rather to low-level waste in general. The section, then, can

be read as a simple and consistent declaration: If a State that misses the milestone also decides as a matter of policy not to take title to the low-level waste for which it has responsibility under the Act, then DOE must initiate surcharge payments beginning February 1, 1993, to each generator in the State from whom such surcharges were collected.

Under 42 U.S.C. 2021e(d)(2)(C)) of the Act, a decision by DOE on whether a State or its generators are eligible for surcharge rebates depends simply upon whether the State has or has not met the requirements of the milestone. Therefore, the procedures in part IV of this notice have been revised. Any generator from whom a surcharge was collected in a State that has not met the milestone may request a rebate of surcharge funds at any time after January 1, 1993, regardless of whether the generator still produces low-level waste or has requested that the host State accept specific containers of low-level waste.

Another commenter offered that each generator should not be required to correspond with its State in order to document whether or not the State is able to provide for disposal or intends to take title and possession of low-level waste, because it is common knowledge that no State currently plans to do so. This commenter contended that the procedures are far too restrictive in this regard, and evince an assumption of surcharge eligibility in favor of States and compacts. (Several commenters provided specific suggestions on ways to streamline the procedures.) Rather than making hundreds of generators document that their States are not providing disposal capacity, the States should be required to document that they are providing for disposal. DOE could simply make clear that it will provide rebates to generators unless a State notifies it of its ability to provide for disposal in accordance with DOE's policies, or its intent to accept title, possession, and liability for low-level waste generated within the State.

After review, DOE agrees with the comment and has revised the procedures accordingly. Except for those States and compacts that are relying on disposal contracts with the Southeast Compact Commission to demonstrate that they have met the milestone by virtue of disposal access contracts, DOE is not aware of any non-sited State or compact that has indicated that it will be able to provide for disposal of all its generators' low-level radioactive waste after 1992, or any that plans to take title, possession and liability for waste generated within its borders. The Southeast Compact Commission will be asked to provide DOE with a list of States and compacts that have entered into disposal access contracts with the Southeast Compact Commission as of January 1, 1993. For States and compacts that have not entered into disposal access contracts with the Southeast Compact Commission, the final procedures announced in this notice require such States or compacts to notify DOE by a specific date if they believe that they have met the milestone in accordance with the policies and criteria provided in this notice. Absent such notification, payments to entities in such States and compacts that paid the surcharges will commence soon after expiration of the notification deadline. Requests for surcharge rebates by generators in States that have not met the January 1, 1993, milestone need not include documentation or statements pertaining to their States' policies with respect to the milestone.

Another commenter noted that the **Federal Register** notice says that a State would be eligible for a surcharge rebate if it provides storage of low-level waste "at the point of low-level waste generation." On-site storage is not "disposal" as defined in the Act, and therefore does not meet the milestone requirements in the Act. It is clear from discussions during Senate floor debate on the Act that the issue and dichotomy between "storage" and "disposal" was understood and brought to the attention of the Congress. The floor debate revealed particular concern that "a state may choose to 'manage' its waste by telling the waste generators that they have to develop a means of storage for their waste. Such a policy would be unacceptable from our perspective and would leave generators with no effective recourse." 131 Cong. Rec. S 18104 (daily ed. December 19, 1985) (statement of Senator Hart).

A State that does not provide for disposal of its low-level waste could be eligible for surcharge rebates on January 1, 1993, by the use of on-site storage, but only if it takes title, possession and liability for the waste. This was indicated in section II.A.3 of the prior notice. 57 F.R. 45248. As of the day of this notice, no State has elected to take title to, possession of and liability for low-level waste.

D. Comments and Suggestions To Make the Procedures and Guidelines Clearer

One commenter urged that the criteria and procedures should emphasize that no surcharge rebate payments will be made of any surcharges paid by a generator during a period of non-compliance with specific milestones.

The statute provides that "No rebate shall be made * * * of any surcharge or penalty surcharge paid during a period of noncompliance with [previous milestones]." 42 U.S.C. 2021e(d)(2)(G). DOE has provided additional information on surcharge escrow funds and surcharge rebates in section III. A of this notice.

Another comment received pointed out that DOE's guidance would require low-level waste generators to exclude low-level waste "volume(s) shipped during a penalty period" from the volumes of low-level waste eligible for rebate, and yet, under 42 U.S.C. 2021e(d)(2)(G), it is surcharges paid during a penalty period, rather than "volume shipped," that may not be rebated. Accordingly, it would be possible that some surcharges associated with low-level waste shipped during a penalty period would be eligible for rebates if paid in a non-penalty period. DOE concurs with this comment and has modified the guidance document accordingly. (See section III A. of this notice)

One commenter asked how many copies of surcharge request documentation are required and to whom should requests be sent. DOE has provided the information in the revised policies and procedures that follow.

A commenter questioned what would be considered a "reasonable" period of time for a waste generator to have to wait for a reply from the State on whether the State will take title to the waste. That issue has been rendered moot by the revised policies and procedures.

E. The Commenters

The organizations listed below provided DOE comments on the previous **Federal Register** notices. Some of the organizations provided comments in more than one letter.

1. Massachusetts Low-Level Radioactive Waste Management Board (2).
2. Maine Low-Level Radioactive Waste Authority.
3. Pennsylvania Department of Environmental Resources.
4. Central Interstate Low-Level Radioactive Waste Commission.
5. California Department of Health Services.
6. Appalachian States Low-Level Radioactive Waste Commission.
7. Central Midwest Interstate Low-Level Radioactive Waste Commission (2).
8. New Jersey Low-Level Radioactive Waste Disposal Facility Siting Board.

9. Texas Low-Level Radioactive Waste Disposal Authority.
10. Midwest Interstate Low-Level Radioactive Waste Compact Commission.
11. New York State Low-Level Waste Group.
12. E.I. DuPont de Nemours & Co. Medical Products.
13. ABB Combustion Engineering Nuclear Fuel.
14. UNC Naval Products.
15. U.S. Council for Energy Awareness.
16. Edison Electric Institute (2).
17. California Radioactive Materials Management (CALRAD) Forum (3).
18. Luce, Forward, Hamilton & Scripps for Biomedical Industry Council (BIC).
19. Interstate Nuclear Services.
20. Baltimore Gas and Electric.
21. Cintichem, Inc.
22. US Ecology.
23. Arizona Public Service Company, Palo Verde Nuclear Generating Station.
24. TU Electric.
25. Illinois Power Company, Clinton Power Station.
26. Boston Edison, Pilgrim Nuclear Power Station.
27. Consolidated Edison Company of New York, Inc.
28. Southern California Edison Company.
29. Southwest Health Physics.
30. Rochester Gas and Electric.
31. NELRAD.
32. Congressman Michael Synar and Congressman Richard Lehman, Subcommittee on Environment, Energy, and Natural Resources, Committee on Government Operations, and Committee on Natural Resources, House of Representatives.
33. Arkansas Department of Health.

III. Additional Information on Surcharge Escrow Funds and Surcharge Rebates

A. Penalty Surcharges Not Subject to Rebate

Surcharges paid by a waste generator for waste disposed during a period of non-compliance by its State or compact region with milestones described in the Act are not included in surcharge rebate payments. Under the Act, no portion of surcharges paid for waste disposed during a period of non-compliance is transferred by the sited States to DOE's surcharge escrow account. Therefore, for States and compacts that were not in compliance for any period, the total of rebate payments made to a generator, less interest, will not necessarily be equivalent to the total amount of surcharges paid by the generator between the period January 1, 1990, through December 31, 1992.

B. Potential Tax Liabilities for Interest Earned on Surcharge Funds

Surcharge rebate payments include interest income that is potentially subject to taxation by the Internal Revenue Service (IRS). Prior to issuing rebates of interest on surcharge funds to a waste generator, DOE is required to have on file a completed IRS Form W–9 from the generator. Failure to provide DOE with IRS Form W–9 will result in backup tax withholding of 31% on the entire rebate. Corporations and certain other entities identified in the instructions included with the IRS Form W–9 are exempt from this backup withholding and information reporting (IRS form 1099). Each generator requesting a surcharge rebate should include a completed W–9 Form and submit it along with the request for surcharge rebate. DOE will report the rebates for each surcharge recipient on an annual basis to the IRS on IRS Form 1099.

In the event that DOE receives surcharge rebate requests that do not include a completed Form W–9, DOE will provide the generator a copy of the Form to be completed and submitted to DOE within 30 days. If the W–9 is not received within 30 days, DOE will issue the rebate subject to the 31% required backup withholding.

IV. Revised Final Policies and Procedures on Surcharge Rebates Pursuant to the January 1, 1993, Milestone

A. Criteria A State or Compact Region Should Meet For Payment of Surcharge Rebates

1. A State or compact region should provide documentation of the January 1, 1993, availability of one or a combination of the following options:

a. An operating disposal facility for all the low-level waste for which the State has responsibility under the Act. In the situation in which States or compact regions elect to take title, take possession, and assume liability for the waste, storage facilities may be employed, which may be at the point of low-level waste generation or away from the point of low-level waste generation;

b. For a lump sum payment, a contract with another State or compact region for the disposal of all the low-level waste for which the State has responsibility under the Act. At a minimum, the contract must provide for disposal of LLRW until January 1, 1996, the end of the surcharge rebate period.

2. If a State or compact region cannot provide for the disposal and does not elect to take title of low-level radioactive waste under the above options by January 1, 1993, it will be eligible for a prorated portion of the rebate surcharges before January 1, 1996, if it can provide documentation of the availability of one or a combination of:

a. A subsequent operating disposal facility for low-level waste for which the State has responsibility under the Act.

b. A contract with another State or compact region providing access to a low-level waste disposal facility for the low-level waste as to which the State has responsibility under the Act for a period between January 1, 1993 and January 1, 1996, the end of the surcharge rebate period.

B. Notification to DOE of State or Compact Compliance With the Milestone

A compact or non-compact member State that can demonstrate compliance with the milestone, consistent with the guidance contained in this Notice, should provide notification to DOE at the address indicated in section IV F of this notice not later than May 2, 1994. Such notification should be signed by the Chairperson or Executive Director of the compact, or by the Governor of a non-compact member State. The notification should describe the basis for compliance with the milestone.

In the event that DOE determines, based on the notification, that the State or compact region is in compliance with the milestone, DOE will issue a surcharge rebate to the State or a compact region in a single payment. DOE will consider all available information that bears on the adequacy of any agreement for LLRW disposal, or whether, in fact, disposal capacity is being provided generators by the State or compact.

To comply with the documentation requirements, the State or compact region may either:

1. a. Transmit to DOE a letter from the Governor of the State or the executive director (or chairperson) of the compact commission requesting the surcharge rebate; indicating the capability for disposal and the initial date of operation of the disposal facility; in the alternative, indicating the date, and the action by which the State elected to take title, to take possession, and accept liability for the low-level radioactive waste generated in the State; and providing the name of a contact person, telephone number, and an address to which the surcharge rebates should be sent; or

b. Transmit to DOE a letter from the Governor of the State or the executive director (or chairperson) of the compact

commission requesting the surcharge rebate; stating that a contract providing access to a disposal facility is in place, and transmitting a certified copy of the executed contract, indicating the dates through which the contract provides access to the disposal facility. This letter should also include the name of a contact person, telephone number, and an address to which the surcharge rebate should be sent.

2. If the State is using storage of low-level waste as a means of managing the low-level waste, then the letter to DOE should include a certification by the Governor that the State takes title to, takes possession of or is obligated to take possession of, and assumes liability for, the low-level waste in storage.

C. Procedures for Waste Generators To Request Surcharge Rebates

Any entity that paid surcharges between January 1, 1990, and December 31, 1992, during a period of compliance with previous milestones, may submit a request for rebate to the contact address provided below, as soon as possible, but not later than December 31, 1995. An entity that requested surcharge rebates in response to DOE's previous Notice (57 F.R. 45248) need not re-submit a request under these procedures. Two copies of the request for surcharge rebates should be submitted. The following information should be included in a request:

1. Current name of the entity requesting the surcharge rebate.

2. Any former organizational names or name variations under which waste was shipped that might help DOE identify the account.

3. Complete address where surcharge rebate payments should be mailed, including the department, office or mail stop within the organization. (Note that surcharge payment checks will be issued by the Department of the Treasury without extensive explanatory information within the envelope. Therefore, any direct payments to accounts receivable departments should be coordinated by the recipient.)

4. In the case of surcharges paid for waste disposed in South Carolina or Washington, the permit number(s) issued to the organization by the South Carolina Department of Health and Environmental Control or the Washington State Department of Ecology.

5. The total volume of waste disposed of during the three year period from January 1, 1990 to December 31, 1992.

6. Frequency of payments requested—monthly, semi-annual, annual, or a single payment after January 1, 1996. (Although the Act calls for 36 monthly payments beginning February 1, 1993, other Federal policies disallow payments of less than $10. Because most surcharge accounts are relatively small, and for ease of processing, generators may not want to avail themselves of the monthly payment provision. Generators should consider their costs for processing such receipts in deciding upon the frequency of payments. The first payment made to any eligible recipient will include the pro rata amount retroactive to January 1, 1993.)

7. A completed Internal Revenue Service Form W–9. (See section III.B of this notice.)

8. Signature and personal contact information, including telephone number of the requestor.

D. Eligibility of States and Compacts for Partial Rebates

Those States and compact commissions establishing that they currently hold 18-month standard disposal contracts with the Southeast Compact Commission, when coupled with a demonstration of the actual provision of low-level radioactive waste disposal capacity, will be eligible to receive a lump sum payment at this time of 18/36ths, or one-half, of the amount the non-sited States and regions otherwise might have received from the escrow account. After June 1994, States and compacts holding unmodified contracts with the Southeast Compact Commission may continue to receive surcharge rebates on a monthly basis as long as the Southeast Compact Commission continues to provide covered generators with disposal capacity under the unmodified contracts, or until the end of the rebate period. After June 1994, those States and compacts establishing that they have entered into new or modified disposal contracts providing with certainty for disposal for a period equal to or beyond the remaining time period for rebate payments will be eligible for a lump sum payment for 18 months, or the remainder of the rebate period, whichever is applicable. Any State or compact that believes it is eligible for rebates after June 1994 should formally notify DOE in writing and provide the documentation described in section IV B of this notice. Upon formal notification, DOE will discontinue monthly or periodic payments to generators in those jurisdictions until an evaluation and determination is made of compliance with the remaining portion of the 1993 milestone by DOE. DOE will consider all available information that bears on the sufficiency of any agreement for LLRW disposal, or whether, in fact, disposal capacity is being provided generators by the State or compact.

Partial rebates may be paid, in accordance with the Act, to States or compacts that in the future become able to provide for disposal of all their low-level waste for the entire remainder of the rebate period at some time between January 1, 1993, and January 1996. In such cases, States or compacts will receive a pro rata portion of surcharges attributable to such States or compacts. In such an event, the applicable State or compact should formally notify DOE in writing. Upon formal notification, and in the absence of a showing that agreements for LLRW disposal are ineffective or that disposal capacity is not being provided by the State or compact, DOE will discontinue monthly or periodic payments to generators in those jurisdictions and issue the remaining balance of surcharge funds to the State or compact region in a single payment. Any payments to generators that had been established on a semi-annual, annual or one-time basis would be apportioned between the generators and the State or compact region based on the date upon which the State or compact region is found by DOE to be able to provide for disposal of all applicable low-level waste.

E. Unclaimed or Abandoned Funds

Surcharge funds that remain unclaimed after January 1, 1996, will be administered in accordance with the Act (42 U.S.C. 2021e(d)(2)(F)) and other applicable laws and regulations.

F. DOE Contact Address

Any notifications or requests for rebates of surcharge funds under these procedures should be submitted in writing to: Terry L. Plummer; Office of Waste Management, Office of Environmental Management; U.S. Department of Energy; Washington, DC 20585–0002, (301–903–7176).

Issued in Washington, DC, on March 25, 1994.

Thomas Grumbly,

Assistant Secretary for Environmental Management.

[FR Doc. 94–7712 Filed 3–30–94; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. TM94–2–117–002]

KN Wattenberg Transmission Limited Liability Co.; Proposed Changes in FERC Gas Tariff

March 25, 1994.

Take notice that on March 23, 1994, KN Wattenberg Transmission Limited Liability Company (KN Wattenberg) tendered for filing as part of its FERC Gas Tariff, Volume No. 1, the following revised tariff sheet:

2nd Sub Second Revised Sheet No. 6.

KN Wattenberg states that the filing is a resubmission of the Schedule of Rates for Transportation to include a minimum surcharge of zero for the Gas Research Institute Charge inadvertently filed on February 4, 1994, in error.

KN Wattenberg states that copies of this filing were served upon the company's jurisdictional customers, and interested public bodies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before April 1, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7614 Filed 3–30–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–185–000]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

March 25, 1994.

Take notice that on March 23, 1994, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, the following tariff sheets, with a proposed effective date of November 1, 1993:

Third Revised Volume No. 1

First Revised Sheet No. 22,
Original Sheet No. 22–A.

Northwest states that the purpose of this filing is to propose changes to section 10, Reservation Charge Adjustments, of Rate Schedule TF–1 of Northwest's FERC Gas Tariff, Third Revised Volume No. 1. The changes incorporate new language relating to scheduled maintenance and to documentation of curtailment.

Northwest states that a copy of this filing has been served upon all intervenors in Docket No. RP93–5, Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 1, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7613 Filed 3–30–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–183–000]

Southern Natural Gas Co., et al.; Petition for Limited Waiver

March 25, 1994.

Take notice that on March 22, 1994, Southern Natural Gas Company (Southern) and South Georgia Natural Gas Company (South Georgia) petition the Commission for a limited waiver of certain storage tariff provisions which require that the gas to be injected under the storage service be purchased from Southern and South Georgia.

Southern requests a limited waiver of the requirement contained in § 2.1 of Exhibit B to Rate Schedule STS–1 that a customer make volumes available for delivery to storage under Rate Schedules CSS–1 and CSS–2 by purchasing such volumes from Southern. In conjunction therewith, Southern requests a limited waiver of the requirement contained in § 3.1 of Exhibit B of Rate Schedules CSS–1 and CSS–2 that storage gas shall be provided pursuant to Rate Schedule STS–1. South Georgia requests a limited waiver of the same provisions set out in § 2.1 of Exhibit B of its ST–1 and ST–2 Rate Schedules and in § 3.1 of Exhibit B of its SS–1 and SS–2 Rate Schedules.

Southern and South Georgia request that such waivers remain in effect to October 31, 1994, which will extend the waiver through the entire upcoming injection season for deliveries of the third party gas into storage.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 1, 1994. Protests will be considered by the Commission in determining the approach action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7612 Filed 3–30–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP90–104–025]

Texas Gas Transmission Corp.; Report of Refunds

March 25, 1994.

Take notice that on January 14, 1993, Texas Gas Transmission Corporation (Texas Gas) filed a refund report with the Federal Energy Regulatory Commission (Commission) detailing the allocation of a Transportation Cost Adjustment (TCA) refund of $14,951,816.35 paid on December 30, 1993.

Texas Gas states that the refund reflects the net credit balances in its TCA deferral accounts as of October 31, 1993, when its TCA tracker was terminated.

Texas Gas states that copies of this refund report have been served upon each of its jurisdictional customers and the interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before April 1, 1994. Protests will be considered by the Commission in determining the appropriate action to

be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7610 Filed 3–30–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT94–20–000]

Transcontinental Gas Pipe Line Crop.; Report of Refunds

March 25, 1994.

Take notice that on January 19, 1994, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made to comply with the Commission's order dated July 8, 1993.

Transco states that the report shows that on January 14, 1994, Transco refunded $116,783.50, including interest, to its Leidy Storage Service customers for the referenced Penn-York refund for the period July 1, 1991 through October 2, 1991.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 1, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Louis D. Cashell,

Secretary

[FR Doc. 94–7608 Filed 3–30–94, 8:45am]

BILLING CODE 6717–01–M

[Docket No. GT94–28–000]

Transcontinental Gas Pipe Line Corp.; Report of Refunds

March 25, 1994.

Take notice that on February 16, 1994, Transcontinental Gas Pipe Line Corporation (Transco) filed a refund report in accordance with section 4 of Transco's Rate Schedule FT–NT. Pursuant to section 4, Transco is refunding to each FT–NT customer its proportionate share of the amount flowed through to Transco from Texas Gas Transmission Corporation (Texas Gas), as detailed in Transco's report.

Transco states that the refund, which was paid on February 14, 1994, covered the period from November 1, 1992 through October 31, 1993 and was issued as a result of three Commission orders in Texas Gas' Docket No. RP90–104, *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before April 1, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7609 Filed 3–30–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–137–025]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

March 25, 1994.

Take notice that on March 23, 1994 Transcontinental Gas Pipe Line Corporation (TGPL) tendered as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Third Substitute Original Sheet No. 176A,
Substitute Original Sheet No. 176B,
Original Sheet No. 176C.

The attached tariff sheets are proposed to be effective September 1, 1992.

TGPL states that the purpose of the instant filing is to supplement TGPL's compliance filing of March 8, 1994 in the referenced docket (March 8 Filing). The March 8 Filing included, among other tariff revisions, a new § 5.8 to Rate Schedule FT which sets forth procedures for the resolution of historical imbalances. The identical tariff provisions should also have been included in the March 8 Filing as a new § 5.8 to Rate Schedule IT. However, TGPL inadvertently failed to include such provisions. Therefore, TGPL is submitting in the instant filing revised tariff sheets to Rate Schedule IT which contain the identical tariff provisions as § 5.8 of Rate Schedule FT submitted in the March 8 Filing.

TGPL states that copies of the instant filing are being mailed to customers, State Commissions and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before April 1, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7611 Filed 3–30–94; 8:45 am]

BILLING CODE 6717–01–M

Availability of the Draft Environmental Impact Statement for the Energy Planning and Management Program

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of availability for the draft environmental impact statement.

SUMMARY: Notice is hereby given that the Department of Energy (DOE), Western Area Power Administration (Western), has prepared a draft environmental impact statement (EIS) for the proposed Energy Planning and Management Program (Program). The EIS was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4335; Council on Environmental Quality regulations, 40 CFR parts 1500–1508; and DOE regulations for compliance with NEPA, 10 CFR part 1021.

The proposed Program would require Western's long-term firm customers to implement long-term energy planning to help enhance efficient electric energy use. The proposed Program could link Western's power resource commitments to customer programs for long-term energy planning and efficient electric energy use, or Western could continue to market power on a project-specific basis in the future.

Pursuant to section 114 of the Energy Policy Act of 1992, this draft EIS analyzes the environmental impacts of

integrated resource planning by Western's long-term firm power customers. Western may extend existing firm power resource commitments pursuant to the Program; the impacts of various extension options are also documented in the draft EIS.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the draft EIS, submit written comments on the draft EIS, or for additional information contact:

Robert C. Fullerton, Western Area Power Administration, P.O. Box 3402, A6100, Golden, CO 80401–0098, (303) 275–1610.

James D. Davies, Billings Area Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107–5800, (406) 657–6532.

Stephen A. Fausett, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539–3003, (303) 490–7201.

J. Tyler Carlson, Phoenix Area Office, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 352–2453.

James C. Feider, Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, suite 105, Sacramento, CA 95825–1097, (916) 649–4418.

John Harrington, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147–0606, (801) 524–6372.

SUPPLEMENTARY INFORMATION: On April 19, 1991, Western proposed in concept an Energy Planning and Management Program (56 FR 16093). The goals of the Program were to market Western's long-term firm power resource as existing commitments expire, to promote the stable, efficient and economical use of electrical generation and conservation resources by Western's customers, to encourage long-term energy management planning and efficient electric energy use by Western's customers, and to do so in an equitable manner consistent with existing laws and constraints. On May 1, 1991, Western announced its intention to prepare an EIS on the Program due to potentially significant environmental and economic issues that may be of interest to the public (56 FR 19995).

Combined public information/environmental scoping meetings on the Program were held in seven States in June of 1991. Based on the feedback received from these meetings, Western developed alternatives to be analyzed in the EIS.

Alternatives workshops were held in eight cities during March and April 1992. The further public input received during these workshops, as well as comments previously received, assisted Western in the development of the range of alternatives featured in the draft EIS. Western's development of an EIS was subsequently reinforced by section 114 of the Energy Policy Act of 1992, which requires EIS preparation as well as Integrated Resource Plan (IRP) development and implementation by Western's customers.

Twelve alternatives are analyzed in the draft EIS, including the no action alternative. Resource extensions are featured in several of the alternatives, while other alternatives anticipate the marketing of power on a project-specific basis. For those alternatives featuring an extension of resources, periods of time up to 35 years are analyzed, at extension levels varying from 90 to 100 percent. Both integrated resource planning for all customers and a special provision for small customers are included in the draft EIS. No preferred alternative is designated to provide additional time for public involvement and to assure that all alternatives are given fair and equitable consideration.

IRP requirements will amend Western's Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs. A wide range of technical energy services will continue to be provided to Western's customers.

The IRP proposal does include a penalty provision for noncompliance with the IRP requirement.

Public hearings on the draft EIS will be held on the following dates and at the following locations:

April 12, 1994, 1 p.m., Albuquerque Convention Center, 401 Second Street NW., Albuquerque, NM.

April 18, 1994, 1 p.m., Quality Inn City Center, 154 West 600 South, Salt Lake City, Utah.

April 19, 1994, 1 p.m., Ramkota Convention Center, I–29 and Russell Avenue, Sioux Falls, South Dakota.

April 20, 1994, 1 p.m., Holiday Inn NE, 5321 Date Avenue, Sacramento, California.

April 22, 1994, 10 a.m., Stapleton Plaza Hotel, 3333 Quebec Street, Denver, Colorado.

April 25, 1994, 6 p.m., Phoenix Area Office Conference Room, 615 South 43rd Avenue, Phoenix, Arizona.

April 28, 1994, 9 a.m., Doublewood Inn, 3333 13th Avenue South, Fargo, North Dakota.

May 3, 1994, 6 p.m., Ontario Hilton, 700 North Haven Avenue, Ontario, California.

At the draft EIS hearings, Western will provide a brief informational overview on the document's organization and the environmental impacts of the Program. Meeting participants will then have an opportunity for questions and answers followed by the main purpose of the meeting, comments from the public.

Written comments on the proposed Program and the draft EIS should be submitted to Western and post marked by 45 days after publication in the **Federal Register** of the Environmental Protection Agency's notice of availability of the draft EIS.

Section 205(a) of the Integrated Resource Planning Title to the Energy Policy Act of 1992 requires the preparation of an EIS in accordance with the National Environmental Policy Act of 1969. This EIS will fulfill the section 205(a) mandate.

Issued in Golden, Colorado, March 24, 1994.

William H. Clagett,

Administrator.

[FR Doc. 94–7711 Filed 3–30–94; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4856–6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATE: Comments must be submitted on or before May 2, 1994.

FOR FURTHER INFORMATION: For further information, or to obtain a copy of this ICR, contact Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Polychlorinated Biphenyls (PCBs) Disposal Permitting Program (EPA ICR No.: 1012.05; OMB No.: 2070–0011). This is a request for extension of the expiration date of a currently approved collection with no changes.

Abstract: Under section 6(e)(1) (A) and (B) of the Toxic Substances Control

Act (TSCA), the EPA promulgates regulations to prescribe methods for the disposal of PCBs. The EPA regulations require respondents to complete, and submit to the Agency, an application to obtain a PCBs disposal permit. Submission of permit applications by disposal facilities is the initial step in assessing proper disposal of PCBs by the various types of disposal technologies.

The March 30, 1983 **Federal Register** notice (48 FR 13181) provides guidance on the specific types of information required in an acceptable permit application and demonstration plan. This guidance is applicable to most alternate PCBs disposal activities, including research and development, but may be modified as appropriate to the specific activity at the discretion of the Assistant Administrator, OPPTS.

The owner or operator of facilities that use any method of disposal other than that prescribed in the regulations, should submit an application which contains name, address, and telephone number of the unit's principle manager; location of the facility where the unit will be tested and the location where the unit will be stored and serviced when not engaged in testing. The application should also contain a detailed description of the unit, an engineering report on the unit performance, a sampling and quality assurance plan, the waste volume expected to be handled and any information on local, State or Federal permits or approvals. In addition, the application should contain schedules and plans for complying with the approval requirements, a contingency plan which describes steps taken in case of process failure, and an environmental impact assessment. The environmental impact assessment must include information on process emissions, toxicity and disposal of process products, site relationships and steps taken to protect the health of the operator. After reviewing the application for these alternate disposals, the EPA may require additional testing or analysis.

The Agency uses these data to evaluate the facility's ability to safely dispose of PCBs, and to insure compliance with TSCA.

Burden Statement: The annual burden for this collection of information is estimated to average 940 hours per response. This estimate includes the time needed to review instructions, gather the data needed, complete and submit the application, and review the collection of information.

Respondents: Applicants for PCB disposal permits.

Estimated No. of Respondents: 18.

Estimated No. of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 16,920 hours.

Frequency of Collection: Annually.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW., Washington, DC 20460;

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: March 25, 1994.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 94–7704 Filed 3–30–94; 8:35 am]

BILLING CODE 6560–50–M

[FRL 4855–8]

Rechartering of the Environmental Financial Advisory Board (EFAB)

The Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) has been rechartered through March 31, 1996, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA). The purpose of EFAB is to provide authoritative analysis and advice to the EPA Administrator regarding environmental finance issues to assist EPA in carrying out its environmental mandates. EFAB will strive to increase the total investment in environmental protection by facilitating greater leverage of public and private environmental resources to help ease the environmental financing challenge facing our nation.

Dated: March 23, 1994.

David E. Osterman,

Acting Director, Resource Management Division.

[FR Doc. 94–7705 Filed 3–30–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4856–5]

Science Advisory Board Executive Committee; Public Meeting April 21–22, 1994

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB) Executive Committee (EC) will conduct a meeting on Thursday and Friday, April 21–22, 1994. The meeting will be held in the Administrator's Conference Room 1103 West Tower at the Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. It will begin at 8:30 a.m. and adjourn not later than 5 p.m. on each day. The meeting is open to the public and limited unreserved seating will be available.

At this meeting the Executive Committee intends to review reports from its Committees, including the following:

(a) Ecological Processes and Effects Committee (EPEC)—Review of Global Climate Effects Research; Review of the Midwest Agrochemical Surface/Subsurface Transport and Effects Research (MASTER) program;

(b) Environmental Engineering Committee (EEC)—Commentary on Strategic Research Planning;

(c) Indoor Air Quality and Total Human Exposure Committee (IAQC)—Review of Indirect Exposure Methodology; and

(d) Radiation Advisory Committee (RAC)—Review of Naturally Occurring Radioactive Materials (NORM). Since these reports are currently being worked on by the various Committees, their availability for the EC meeting cannot be assured at this time.

In addition, the EC will be briefed on the status of the Agency's Strategic Plan, the Environmental Technology Strategy, and recent activities of the Office of Science Technology Policy's (OSTP) National Science and Technology Council. In addition, the EC will discuss topics for the agenda of the Agency's Science Policy Council and a request for SAB review of a scheme for ranking chemicals by use cluster.

Progress reports will be received on the Science Advisory Board's Environmental Futures Project and the Research Strategies Advisory Committee's review of the Agency study of EPA laboratories. The SAB's ad hoc Reinventing Committee will brief the EC on its conduct of the "self-study" of the Board during calendar year 1994.

Additional topics on the agenda include public discussions with leaders in the Agency and the Administration on environmental issues and the Board's appropriate role in providing advice about these matters.

Any member of the public wishing further information concerning the meeting or who wishes to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official, Executive Committee, Science Advisory Board (1400), U.S. Environmental Protection Agency, Washington DC

20460, or by phone at (202) 260–4126; FAX (202) 260–9232; or via The INTERNET at barnes.don@epamail.epa.gov.

Dated: March 17, 1994.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 94–7708 Filed 3–30–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4856–4]

Virginia: Partial Program Determination of Adequacy of the Commonwealth's Municipal Solid Waste Landfill Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Partial Program Determination of Adequacy for the Commonwealth of Virginia's Amended Application.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that Municipal Solid Waste Landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that approvals prior to the finalization of the STIR have an important benefit. Approved State/Tribal permit programs provide for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by 40 CFR part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The Commonwealth of Virginia, through the Virginia Department of Environmental Quality (VADEQ), has submitted an amended application for a partial program determination of adequacy under section 4005 of RCRA. EPA has reviewed Virginia's MSWLF application, dated December 22, 1993, and today is issuing a determination of adequacy for those portions of the Virginia MSWLF permit program that are adequate to ensure compliance with the revised MSWLF Criteria. The portions of Virginia's program which are subject to this approval are described later in this notice. Virginia plans to further revise their program to assure complete compliance with the revised EPA Criteria and apply for full program approval in the near future. Virginia's original and amended applications for partial program adequacy determination are available for public review and comment at the locations listed below. Comments in writing must be submitted to the EPA office listed below by May 2, 1994 to be considered.

EFFECTIVE DATE: This adequacy determination summarizes the Agency's decision and the portion(s) of the state MSWLF permit program affected, and provides an opportunity to comment for a period of 30 days. This determination of adequacy for Virginia shall be effective May 31, 1994, if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another **Federal Register** notice will be published either affirming or reversing the initial decision while responding to the public comments.

ADDRESSES: Copies of Virginia's original and amended application for partial adequacy determination are available from 9 a.m. to 4 p.m. during normal working days at the following addresses for inspection and copying: Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23240–0009, Attn: Dr. Walt Gulevich; and U.S. EPA Region III, 841 Chestnut Street, Philadelphia, Pennsylvania 19107; Attn: Mr. Andrew Uricheck, mailcode 3HW53. All written comments must be sent to the EPA Region III office.

FOR FURTHER INFORMATION CONTACT: U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Attn: Mr. Andrew R. Uricheck, mailcode (3HW53), telephone (215) 597–7936.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that facilities comply with the Federal Criteria under 40 CFR part 258. RCRA Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

In the proposed STIR, EPA provides for partial program approval if:

(1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with 40 CFR part 258;

(2) Changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and,

(3) Provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset(s) of 40 CFR part 258. These requirements when promulgated will address the potential problems posed by the dual State/Tribal and Federal programs that became effective in October 1993 in those States/Tribes that only have partial approvals of their MSWLF programs. Owners and operators of MSWLFs subject to such dual programs needed to understand which requirements apply and comply with them. In addition, the Federal program that is in effect must mesh with the approved portions of the State/Tribal program to leave no significant gaps in regulatory control of MSWLFs. Partial approval allows the Agency to approve those provisions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the Criteria's flexibility for those portions of the program which have been approved.

As provided in the October 9, 1991 municipal landfill rule, EPA's national Subtitle D standards took effect on October 9, 1993. Consequently, portions of the Federal Criteria that are not included in an approved State/Tribal program apply directly to the owner/operator without the flexibility afforded to approved States/Tribes. On October 1, 1993, the October 9, 1993 effective date was extended for certain smaller landfills and for certain landfills receiving waste from flood disaster areas (58 FR 51536). The effective date is now April 9, 1994, for MSWLFs that accept less than 100 tons of waste per day, are not a Superfund National Priority List site, and are either in a State that has submitted an application to EPA for approval before October 9, 1993, or are located on Tribal lands. The effective date has been extended to October 9, 1995, for very small (less than 20 tons of waste per day), remote landfills in arid climates that lack a practicable alternative for waste disposal or experience significant climate related disruption of surface transportation. Certain large facilities receiving waste from flood disaster areas are also allowed an extension of the compliance date if the State determines that these facilities are needed for the disposal of flood debris. Most of these extensions do not apply to facilities in Virginia. In addition, any state regulations more stringent in scope or timing would prevail over the Federal requirements.

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b)(1) of RCRA. Finally, the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submission of a schedule mandatory in STIR.

B. Commonwealth of Virginia

On February 3, 1993, Vol. 58, No. 21 FR at 6955, EPA issued its initial final determination of partial program approval for the Commonwealth of Virginia. On December 22, 1993, Virginia submitted an amended application for a further partial program adequacy determination. In the December 22, 1993 submittal, Virginia included their revised Municipal Solid Waste regulations which became effective on March 15, 1993. EPA has reviewed Virginia's most recent application and has determined that the following portions of the Commonwealth's Subtitle D program will ensure compliance with the Federal revised Criteria.

1. Definitions for active life, active portion, existing unit, fault, lateral expansion, run-on, saturated zone, seismic impact zone, unstable area, and uppermost aquifer in 40 CFR 258.2, 258.13, 258.14, and 258.15, respectively;

2. Location restrictions for the post-facto demonstrations for airport safety, floodplains and unstable areas, and the prohibition of location in wetlands without demonstration in 40 CFR 258.10, 258.11, 258.15 and 258.12, respectively;

3. Operating requirements for the following: exclusion of hazardous waste; daily cover; explosive gases control; and recordkeeping in 40 CFR 258.20, 258.21, 258.23 and 258.29, respectively;

4. Composite liner requirement consisting of an upper component of a minimum of 30-mil flexible membrane liner (or 60-mil high density polyethylene) installed in direct and uniform contact over a lower component of at least a two-foot layer of compacted soil with a hydraulic conductivity of not more than 1×10^{-7} cm/sec contained in 40 CFR 258.40; or the option of demonstrating that an alternate liner system meets the performance standard described in 258.40(a)(1);

5. Groundwater sampling and monitoring requirements, including the structure and parameter coverage listed in Appendices I and II, that are consistent with the federal Criteria under 40 CFR 258.53 and 258.54; and

6. Criteria pertaining to a length of the post-closure period as 30 years, and the level of detail as specified in 40 CFR 258.61.

The portions of the Virginia program listed above being proposed for approval at this time, are in addition to those portions previously approved by EPA in its initial partial approval notice dated February 3, 1993. With this approval, only the Financial Assurance Subpart G (40 CFR 258.70 through 258.74) remains unapproved in Virginia.

Virginia's MSWLF permit program has the authority to issue permits that incorporate the requirements of the revised Federal MSWLF Criteria to all MSWLFs in the Commonwealth of Virginia. In addition, the EPA has determined that Virginia's permit program provides for public participation, compliance monitoring, and enforcement.

As a state's regulations and statutes are further amended to comply with the full federal MSWLF landfill regulations, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The Commonwealth may submit an amended application to EPA for review and a further adequacy determination. Any future adequacy determination will be published in the **Federal Register** summarizing the Agency's decision and the portion(s) of the State/Tribal MSWLF permit program affected. An opportunity for the public to comment during a period of 30 days will be provided. The adequacy determination will become effective May 31, 1994 if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another **Federal Register** notice will be published either affirming or reversing the initial decision while responding to the public comments.

To ensure compliance with all of the revised Federal MSWLF Criteria for obtaining final full program approval, Virginia intends to revise their financial assurance regulations to include Subpart G of the Federal Criteria. The 1993 session of the Virginia General Assembly amended section 10.1–1410.C. of the Virginia Waste Management Act to remove the exemption for the local governing bodies from the financial assurance requirements. The effective date of the amendment was July 1, 1993. On July 7, 1993, the Department initiated the rulemaking procedures to amend its Financial Assurance Regulations. Virginia has submitted a schedule indicating that they expect the Virginia

Waste Management Board to promulgate amended regulations by November, 1994, with an effective date in January, 1995. Virginia intends to apply for final full program approval after promulgating these regulations which will include the Financial Assurance requirements found in 40 CFR 258.70 through 258.74. To allow the Commonwealth to exercise some of the flexibility allowed in states with adequate permit programs, EPA proposes to approve all of those portions of the Commonwealth's program that are currently in compliance with the Federal program.

EPA reviewed the Commonwealth's schedule and believes it is reasonable because EPA's financial assurance requirements do not take effect until April 9, 1995. With a January, 1995 effective date, the Commonwealth's regulations will be implemented three months ahead of the Federal regulations. In addition, the Commonwealth has removed the financial assurance exemption for local governments.

The public may submit written comments on EPA's tentative determination until May 2, 1994. Copies of Virginia's original and amended application are available for inspection and copying at the location indicated in the "Addresses" section of this notice. EPA will consider all significant public comments on its determination received during the public comment period.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended; 42 U.S.C. 6912, 6945 and 6949(a)(c).

Dated: March 18, 1994.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 94–7707 Filed 3–30–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4856–3]

Washington; Final Partial Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final partial program determination of adequacy on Washington's application.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that Municipal Solid Waste Landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

Washington applied for a partial program determination of adequacy under section 4005 of RCRA. EPA reviewed Washington's application and made a tentative determination of adequacy for those portions of the MSWLF permit program that are adequate to ensure compliance with the revised MSWLF Criteria. After reviewing all comments received, EPA today is granting final approval to Washington's partial program.

EFFECTIVE DATE: The determination of adequacy for Washington shall be effective March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Steve Sharp, U.S. EPA, M/S: HW–107, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–6517.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that facilities comply with the Federal Criteria under part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in STIR to allow partial approval if:

(1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with part 258;

(2) Changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and,

(3) Provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of part 258. As provided in the October 9, 1991, municipal landfill rule, EPA's national Subtitle D standards took effect on October 1993. On October 1, 1993, EPA

published a final ruling which modified the effective date of the landfill criteria for certain classifications of landfills (58 FR 51536). Thus for certain small landfills that accept less than 100 tons of waste per day, the Federal landfill Criteria will be effective on April 9, 1994 instead of October 9, 1993. Consequently, any portions of the Federal Criteria which are not included in an approved State/Tribal program by October 1993 would apply directly to the owner/operators of large MSWLFs, and portions not included by April 9, 1994, would apply directly to owners and operators of small MSWLFs. The exact classifications of landfills and details on the effective date extensions are contained in the final rule. See 58 FR 51536 (October 1, 1993).

The requirements of the STIR, if promulgated, will ensure that any mixture of State/Tribal and Federal rules that take effect will be fully workable and leave no significant gaps in environmental protection. These practical concerns apply to individual partial approvals granted prior to the promulgation of the STIR rule. Consequently, EPA reviewed the program approved today and concluded that the State/Tribal and the Federal requirements mesh reasonably well and leave no significant gaps. Partial approval would allow the Agency to approve those provisions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the Criteria's flexibility for those portions of the program which have been approved.

EPA will review State/Tribal requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b)(1) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program. EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submissions of a schedule mandatory in the STIR.

B. State of Washington

On April 9, 1993, Washington submitted an application to obtain a partial program adequacy determination for the State's municipal solid waste landfill permit program. This initial application was found to be incomplete by EPA as it referred to draft regulations. On October 15, 1993, Washington submitted a revised application for partial program adequacy determination. On January 13, 1994, EPA published a tentative determination of adequacy for Washington's program. Further background on the tentative partial program determination of adequacy appears at 59 FR 1945 (January 13, 1994).

Along with the tentative determination, EPA announced the availability of the application for public comment. EPA also tentatively scheduled a public hearing for March 1, 1994, to be held if a sufficient number of people expressed interest in participating. After no one expressed interest, the Agency canceled the public hearing.

EPA has reviewed Washington's program and determined that all parts, with the exceptions listed below, of the State's MSWLF permit program will ensure compliance with the revised Federal Criteria.

In addition, the State of Washington demonstrated that its MSWLF permit program contains specific provisions for public participation, compliance monitoring, and enforcement. EPA notes that Washington has not asserted jurisdiction over Indian Lands and its program is not enforceable on these lands.

EPA is not approving all portion's of Washington's permit program today. To ensure compliance with all the Federal Criteria, Washington needs to revise the following two portions of its permit program.

1. Definitions of "Existing MSWLF unit" and "Lateral expansion" (40 CFR 258.2).

2. Design criteria for non-arid landfills (40 CFR 258.40(a)(2).

Washington submitted a schedule indicating that it will continue to work towards resolution of these non-approved portions of its MSWLF permit program. If the issues are not resolved by January 15, 1995, the State has agreed to initiate the necessary rule changes and have the new rules in place by October 9, 1995. As explained in the notice of tentative determination, EPA has reviewed this schedule and concluded that it is reasonable.

EPA received one comment on its tentative determination of adequacy of Washington's permit program. The commenter did not dispute the adequacy determination and recommended expeditious approval.

As a State's/Tribe's regulations and statutes are amended to comply with the Federal MSWLF landfill regulations, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The State/Tribe may submit an amended application to EPA for review and an adequacy determination will be made using the same criteria as for the initial application. This adequacy determination will be published in the **Federal Register** summarizing the Agency's decision and the portion(s) of the State/Tribal MSWLF permit program affected and providing an opportunity to comment for a period of 30 days. The adequacy determination will become effective sixty (60) days following publication if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another **Federal Register** notice will be published either affirming or reversing the initial decision while responding to the public comments.

C. Decision

After reviewing the public comments, I conclude that Washington's application for partial program adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Washington is granted a partial program determination of adequacy for all areas of its municipal solid waste landfill permit program with the exceptions of 40 CFR 258.2 (definitions of "Existing Unit" and "Lateral expansion") and 40 CFR 258.40(a)(2) (design criteria for non-arid landfills).

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Today's action takes effect on the date of publication. EPA believes it has good cause under section 553(d) of the Administrative Procedure Act, 5 U.S.C 553(d), to put this action into effect less than 30 days after publication in the **Federal Register**. All of the requirements and obligations in the State's/Tribe's program are already in effect as a matter of State/Tribal law. EPA's action today does not impose any new requirements that the regulated community must begin to comply with. Nor do these requirements become enforceable by EPA as federal law. Consequently, EPA finds that it does not need to give notice prior to making its approval effective.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this final approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: March 24, 1994.

Chuck Clarke,

Regional Administrator.

[FR Doc. 94–7706 Filed 3–30–94; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Eligibility Standards for FDIC/RTC Roster of Neutrals

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC or Corporation) herewith publishes for comment the recommendations of the FDIC/Resolution Trust Corporation (RTC) Roster Qualifications Panel (Panel) regarding the standards to be used to determine eligibility for the FDIC/RTC Roster of Neutrals. The RTC is considering the Panel's recommendations separately. The purpose of the Panel was to give in-depth consideration to the issues raised by roster qualifications and to recommend criteria to be used for the FDIC/RTC National Roster. The recommendations to be adopted will assist in the development of a roster to be used to provide a list of neutrals which disputants can use for selecting a neutral in all cases where the FDIC or the RTC is involved in a matter which warrants the use of independent outside neutrals. The need for a FDIC/RTC National Roster is the result of the increase in demand for outside neutrals in Alternative Dispute Resolution (ADR) cases involving the Corporation. **DATES:** Comments must be submitted on or before May 31, 1994.

ADDRESSES: Send comments to Robert E. Feldman, Acting Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to room F–402, 1776 F Street, NW., Washington, DC 20429, on business days between 8:30 a.m. and 5 p.m. Comments may also be inspected in the FDIC's Reading Room, room 7118, 550 17th Street, NW., Washington, DC 20429, between 9 a.m. and 4:30 p.m. FAX number: (202) 898–3838.

FOR FURTHER INFORMATION CONTACT: Charlotte Kaplow, Counsel, Legal Division, Federal Deposit Insurance Corporation, 1717 H Street, NW., room H–11083, Washington, DC 20006, (202) 736–0248.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

The Administrative Dispute Resolution Act (the Act), Public Law 101–552, authorizes and encourages agencies to use mediation and other consensual methods of dispute resolution as alternatives to traditional dispute resolution processes. The Corporation has been committed to the use of alternative dispute resolution (ADR) methods since 1989, when the Legal Division began using ADR in disputes among FDIC- and RTC-controlled entities. Following the passage of the Act, the Corporation established the ADR Unit which was tasked with developing, implementing and coordinating ADR programs across the FDIC. The program for resolution of disputes between controlled entities was so successful that the FDIC expanded the use of ADR to disputes with outside parties, including commercial matters, creditor claims and professional liability cases.

Since the implementation of the ADR program at the FDIC, the Corporation has maximized recoveries, quickened resolutions and reduced legal fees and expenses. For example, in 1993, the FDIC saved an estimated $9.3 million in legal fees and expenses through the use of formal ADR. The FDIC's success with the program shows that ADR is an effective dispute resolution mechanism and litigation management tool.

II. Establishment of Roster of Neutrals

One of the main components of the FDIC's ADR programs is the development of a joint roster of neutrals with the RTC which contains the names of the qualified outside service providers (attorneys, as well as non-attorneys) around the country who have a minimum threshold level of ADR experience. The need for a FDIC/RTC National Roster is the result of the increase in demand for outside neutrals in ADR cases involving the Corporations. There was a need for access to a nationwide roster of qualified outside neutrals with experience relevant to the types of disputes in which the Corporations were involved. As a result, the Corporations jointly decided to develop a nationwide roster which could be utilized in all cases where the FDIC or RTC was involved in a matter which warranted the use of independent outside neutrals.

The Corporations had a number of reasons for establishing a minimum level of qualifications for the Roster:

The FDIC/RTC case load is nationwide and involves a wide range of cases, from small and simple to large and very complex, which requires qualified experienced neutrals.

The attorneys in the field who would be doing the neutral selection on behalf of the FDIC and RTC may be relatively unsophisticated in ADR, as may be the other party(ies).

Because ADR is relatively new to the FDIC/RTC, use of an inexperienced neutral for a case could jeopardize the entire program.

Due to significant congressional oversight and a high public profile, successful experiences with the ADR process and accountability for the expenditure of funds is imperative.

Following a joint effort by the FDIC and the RTC to develop criteria to be used in qualifying neutrals, the

Corporations requested that a panel of dispute resolution experts be formed to give in-depth consideration to the issues raised by roster qualifications and to make recommendations for criteria to be used for the FDIC/RTC National Roster. Members of the Panel were: Linda Singer, Executive Director, Center for Dispute Settlement, who acted as facilitator for the Panel; Michael Lewis, President, ADR Associates; Frank E.A. Sander, Professor, Harvard Law School; Philip Harter, mediator; Charles Pou, Administrative Conference of the United States; Sheldon Guttmann, Dispute Resolution Specialist, Federal Communications Commission; and Deborah Dalton, Deputy Director, Consensus and ADR Project, United States Environmental Protection Agency.

The Panel convened on March 25, 1992 in Washington, DC. As a result of the meeting the Panel issued a report summarizing the discussions held and the recommendations which resulted.

The FDIC/RTC procedure for disputants' selection of a neutral for a particular case contemplates that the Roster will be available to FDIC/RTC attorneys through an on-line computer database. Through the database, the parties will be given panels of neutrals with the experience and ADR expertise that the disputants themselves deem to be relevant. The disputants will then select a mutually acceptable neutral.

One of the principles set forth in the Report of the Society of Professionals in Dispute Resolution (SPIDR) Commission on Qualifications (SPIDR Report) is that the greater degree of choice the parties have over the dispute resolution process, program or neutral, the less mandatory the qualifications should be. It was suggested that an open, unqualified roster where the parties could make their search request very narrow might be most suitable for the FDIC/RTC. However it was suggested that a nationwide, open and unqualified roster could very well result in a roster much too large for the FDIC/RTC purposes and that the larger the roster, the more difficult to get neutrals who are qualified.

III. Method for Qualifying Neutral for the FDIC Roster

The Panel discussed the balance between the need to ensure some minimum objective qualifications and the need for flexibility to meet the specific needs (substantive and procedural) of the disputants in a particular matter. There was a general consensus that the discretion of the FDIC to qualify neutrals through application of subjective criteria should be minimized and that objective criteria and rating standards should be developed and applied systematically. Subsequently, the Panel narrowed the discussion to the minimum threshold qualities of a neutral, the information required to qualify neutrals, and the standards and criteria that should be used to qualify neutrals.

The Panel focused on the possible methods and specific paradigms of qualifying neutrals. The SPIDR Report strongly recommended that performance criteria be the basis for qualifying neutrals. The FDIC and RTC determined that, due to time, geographic and cost constraints, performance-based testing for the FDIC/RTC National Roster is not possible. In the alternative, the SPIDR Report suggested using experience-based criteria as a screening tool for neutrals.

The Panel generally agreed that some combination of quantity of ADR experience, complexity of issues handled and diversity of types of disputes was important as a minimum threshold. The Panel discussed the relevance of substantive expertise, and whether such expertise should be a minimum threshold for the parties themselves in their choice of an individual neutral. Given the variety of cases handled by the FDIC/RTC, it was determined that such experience was more appropriately considered as a selection factor by the disputants, not a qualification factor determined by the FDIC/RTC.

The Panel discussed specific experience-based criteria and ranking systems that could be utilized, acknowledging that one of their chief concerns in designing and implementing an experience-based qualification system was the ability to adequately qualify neutrals with diverse experience. The Panel agreed that some method for establishing equivalencies and variably weighing different types of ADR processes and complexity of substantive issues was necessary in order to permit an accurate evaluation of a neutral's experience. Six categories or qualifying factors were listed as essential to providing a quantifiable measurement of a neutral's experience: The hours or time as a neutral (Hours/Time), the total number of cases (Number of Cases), the diversity of ADR processes (Diversity), the dollar amounts in controversy (Dollar Amount), the number of multi-party cases (including the number of parties) (Multi-Party), and the nature of the issues involved (Complexity). The Panel decided that there should be some ranges for equivalencies between different types within the same categories of qualification factors.

Aware of the mandate of the FDIC/RTC to encourage participation by minorities and women in all aspects of its contracting and hiring, the Panel decided that ten points should be awarded for the neutral's status as a female or a member of a minority. (Women/Minority).

In addition to establishing a criteria to qualify applicants for the Roster of Neutrals, the Panel discussed the revision of the FDIC's/RTC's questionnaire to potential neutrals, the possibility of the disputants selecting a neutral who is not on the roster, the dissemination of qualification standards, and the future review and revision of the qualification process.

IV. Recommendation

At the conclusion of the meeting the FDIC/RTC Roster Qualifications Panel recommended that:

1. The FDIC/RTC use experience-based criteria for qualifying applicants for the Roster of Neutrals.

2. The FDIC/RTC send a follow-up request for information to those who have already applied to obtain needed information and revise the questionnaire to obtain that information in the future.

3. A certification requirement replace the notarization requirement on the questionnaire.

4. The specific factors and points should be:

Factors	Points
Hours/Time	25
Number of Cases	10
Diversity	15
Dollar Amount	10
Multi-Party	15
Complexity	15
Women/Minority	10

5. The minimum score necessary to qualify for the FDIC/RTC Roster be 60 points.

6. To encourage participation by minorities and women, ten points be awarded for a neutral's status as a female or member of a minority.

7. A limited *ad hoc* procedure be offered to afford the opportunity to select a neutral who is acceptable to the parties to a dispute, but who is not on the roster. The FDIC/RTC should develop internal guidelines to determine when such a procedure would be appropriate.

8. The selection of qualified applicants be done by the FDIC/RTC under the supervision of a committee, either the Panel itself, or a group of inter-government agency personnel.

9. The proposed qualification procedures and standards be published for notice and comment in the **Federal Register** and circulated to major industry groups through press release.

10. A reconvening of the Panel and review of the process take place at specified intervals.

Following the period of notice and comment, the Corporation plans to incorporate appropriate comments and proceed with the qualification of applicants.

Dated at Washington, DC, this 22nd of March 1994.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Acting Executive Secretary.

[FR Doc. 94–7700 Filed 3–30–94; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Toyko World Transport (USA), Inc., 2601 Manhattan Beach Blvd., Redondo Beach, CA 90278, Officers: Hiroshi Kimura, President/Director, Paul A. Oike, Vice President/Director, Thomas Capone, III, Vice President/Director, Hiroshi Hosho, Director, Osamu Takada, Director.

Nancy Jean O'Tinger, 4954 Shiloh Road, Cumming, GA 30130, Sole Proprietor.

Global Transportation Systems, Inc., Cargo Bldg. 3, Doors 82–85, Washington Dulles International Airport, Chantilly, VA 22021, Officers: Richard J. Wenzel, Jr., President/Director, Richard J. Wenzel, Sr., V. Pres./Secretary/Director, George T. Barczy, Assistant Secretary.

Treset Corporation, 2785 NW. 82nd Avenue, Miami, FL 33122, Officers: Enrique O. Tettamanti, President, Maria Christina Tettamanti, Secretary/Treasurer.

Suanna Widjaja Rossi and Robert William Rossi, dba Neptune Forwarding Co., 1713 Vickers Circle, Decatur, GA 30030, (partnership).

Trans-Global Associates, Inc., 17890 Castleton Street, #289, City of Industry, CA 91748, Officers: Kon Sang, President, George J. Chen, Managing Director, Li-Ping Yen, Stockholder.

Benision International Transportation, Inc., 500 Carson Plaza Drive, #110, Carson, CA 90746, Sung Duck Kwon, President.

GT International Inc., 3257 S. Del Mar Avenue, Rosemead, CA 91770, Officers: Guang Ren, President, Sue H. Hsieh, Secretary.

By the Federal Maritime Commission.

Dated: March 28, 1994.

Joseph C. Polking,

Secretary.

[FR Doc. 94–7648 Filed 3–30–94; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of February 3-4, 1994

In accordance with § 271.5 of its Rules Regarding Availability of Information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on February 3-4, 1994.[1] The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting indicates a strong advance in economic activity during the closing months of 1993, and the limited data available for the early weeks of this year suggest appreciable further gains. The January labor market data were complicated by statistical revisions and weather-related reporting problems; however, a variety of indicators pointed convincingly to a continuing expansion of employment. Industrial production increased sharply in the fourth quarter and appears to have risen considerably further in January. Consumer spending and housing activity posted solid gains in late 1993, and strong sales of motor vehicles in January suggested continued buoyancy in consumer demand. Trends in contracts and orders point to further sizable gains in business fixed investment. The average nominal U.S. merchandise trade deficit in October-November was about the same as its average rate in the third quarter. Over the latter part of 1993, increases in broad indexes of consumer and producer prices, excluding their food and energy components, were somewhat larger than earlier in the year and prices of a number of commodities also turned up recently.

Most market interest rates have declined slightly since the Committee meeting on December 21, 1993. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies is about unchanged over the intermeeting period.

Growth of M2 and M3 was relatively slow over December and January. From the fourth quarter of 1992 to the fourth quarter of 1993, M2 and M3 are estimated to have grown at rates slightly above the lower ends of the Committee's ranges for the year. Private borrowing has picked up in recent months and total domestic nonfinancial debt expanded at a moderate rate in the fourth quarter; for the year, nonfinancial debt is estimated to have increased at a rate in the lower half of the Committee's monitoring range.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. In furtherance of these objectives, the Committee at this meeting established ranges for growth of M2 and M3 of 1 to 5 percent and 0 to 4 percent respectively, measured from the fourth quarter of 1993 to the fourth quarter of 1994. The Committee anticipated that developments contributing to unusual velocity increases could persist during the year and that money growth within these ranges would be consistent with its broad policy objectives. The monitoring range for growth of total domestic nonfinancial debt was set at 4 to 8 percent for the year. The behavior of the monetary aggregates will continue to be evaluated in the light of progress toward price level stability, movements in their velocities, and developments in the economy and financial markets.

In the implementation of policy for the immediate future, the Committee seeks to increase slightly the existing degree of pressure on reserve positions. In the context of the Committee's long-run objectives for price stability and sustainable economic growth, and giving careful consideration to economic, financial, and monetary developments, slightly greater reserve restraint or slightly lesser reserve restraint might be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with moderate growth in M2 and M3 over the first half of 1994.

[1] Copies of the Minutes of the Federal Open Market Committee meeting of February 3-4, 1994, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

By order of the Federal Open Market Committee, March 25, 1994.

Normand Bernard,

Deputy Secretary, Federal Open Market Committee.

[FR Doc. 94-7623 Filed 3-30-94; 8:45 a.m.]

BILLING CODE 6210-01-F

Southside Financial Group, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 25, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Southside Financial Group, Inc., Fayetteville, Georgia, to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank and Trust of Fayette County, Fayetteville, Georgia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Union Planters Corporation, Memphis, Tennessee, to acquire 100 percent of the voting shares of Earle Bankshares, Inc., Earle, Arkansas, and thereby indirectly acquire First Southern Bank, Earle, Arkansas.

Board of Governors of the Federal Reserve System, March 25, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-7624 Filed 3-30-94; 8:45 am]

BILLING CODE 6210-01-F

Shuratt Whitworth; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 20, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Shuratt Whitworth, Lavonia, Georgia, to retain 30 percent of the voting shares of First Security Bankshares, Inc., Lavonia, Georgia, and thereby indirectly acquire Northeast Georgia Bank, Lavonia, Georgia.

Board of Governors of the Federal Reserve System, March 25, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-7625 Filed 3-30-94; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 90A-0416, 91A-0330, 93F-0232]

Background Document for Food Advisory Committee; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a background briefing document for the Food Advisory Committee meeting that was announced in the **Federal Register** of Tuesday, March 15, 1994, and scheduled for April 6, 7, and 8, 1994. This action is being taken to ensure that all interested parties are aware of the issues that are the subject of the committee's discussion.

ADDRESSES: Single copies of the background briefing document may be requested in writing from the Freedom of Information Staff (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, at a cost of 10 cents per page. Requests should be identified with the docket number found in brackets in the heading of this document. The background briefing document is available for public examination at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lynn A. Larsen, Center for Food Safety and Applied Nutrition (HFS-5), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-4727.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 15, 1994 (59 FR 11997), FDA announced that a meeting of the Food Advisory Committee will be held on April 6, 7, and 8, 1994. The purpose of the meeting is to have a scientific discussion by the committee members of the agency's procedures for the safety review of whole foods produced by new biotechnologies. A genetically modified tomato currently under review by the agency will serve as an example and focus for the discussion. In this notice, FDA is announcing the availability of material being supplied to the committee as background information.

FDA regulations (21 CFR 14.75(a)(1)) state that the agency will make available for public disclosure at the time it is provided to a committee any written information given to the committee that may be publicly disclosed. However, material provided to a committee often includes documents that may not be publicly disclosed. Such material is not ordinarily made available to the public, although some of its content may become apparent during open committee discussion.

Much of the background information being provided to the Food Advisory Committee for its April 1994 meeting is publicly available from other sources. However, the material also includes a summary document prepared by the Center for Food Safety and Applied

Nutrition that ordinarily would not be publicly releasable at this time because it contains an overview of the Center's evaluation of the data and information concerning the genetically engineered tomato that will serve as the focus of the committee's discussion.

FDA is taking the unusual step of releasing this summary document to ensure that all interested parties may fully understand the issues that are the subject of the committee's discussion. The agency believes that in these particular circumstances, it is appropriate to release this summary, even though it contains material that ordinarily would not be disclosed publicly at this stage because all of the data discussed in the summary have been previously made available to the public.

Copies of the background briefing document, and a bibliography of documents available from other sources, may be seen in the Dockets Management Branch (address above) or obtained from the agency's Freedom of Information Staff (address above). Copies of the background briefing document and the bibliography will also be available at the committee meeting.

Dated: March 28, 1994.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 94–7796 Filed 3–29–94; 11:31 am]

BILLING CODE 4160–01–F

[Docket No. 94N–0105]

Solvay Pharmaceuticals et al.; Withdrawal of Approval of 24 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 24 abbreviated new drug applications (ANDA's). The holders of the ANDA's notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Center for Drug Evaluation and Research (HFD–360), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1038.

SUPPLEMENTARY INFORMATION: The holders of the ANDA's listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

ANDA no.	Drug	Applicant
80–040	Sulfisoxazole Tablets, U.S.P., 500 milligrams (mg)	Solvay Pharmaceuticals, 901 Sawyer Rd., Marietta, GA 30062.
80–402	Folic Acid Tablets, 1 mg	Do.
80–500	Rauwolfia Serpentina Tablets, U.S.P., 50 mg	Do.
83–213	Hydrocortisone Acetate 0.5% and Pramoxine Hydrochloride 1% Lotion	Ferndale Laboratories, Inc., 780 West Eight Mile Rd., Ferndale, MI 48220.
83–450	Sulfasalazine Tablets, U.S.P., 500 mg	Solvay Pharmaceuticals.
83–606	Butabarbital Sodium Tablets, U.S.P., 16.2 mg	Do.
83–896	Butabarbital Sodium Tablets, U.S.P., 97.2 mg	Do.
83–897	Butabarbital Sodium Tablets, U.S.P., 48.6 mg	Do.
83–898	Butabarbital Sodium Tablets, U.S.P., 32.4 mg	Do.
83–925	Hydrochlorothiazide Tablets, 50 mg	Do.
84–436	Dienestrol Vaginal Cream, 0.01%	Do.
84–448	Methocarbamol Tablets, U.S.P., 500 mg	Do.
84–449	Methocarbamol Tablets, U.S.P., 750 mg	Do.
84–777	Mepivacaine Hydrochloride Injection, U.S.P., 3%	Naska Pharmacal Co., Inc., Riverview Rd., P.O. Box 898, Lincolnton, NC 28093.
85–010	Mepivacaine Hydrochloride and Levonordefrin Injection, U.S.P.	Do.
85–323	Hydrochlorothiazide Tablets, 25 mg	Solvay Pharmaceuticals.
86–922	Isosorbide Dinitrate Sublingual Tablets, U.S.P., 5 mg	Par Pharmaceutical, Inc., One Ram Ridge Rd., Spring Valley, NY 10977.
86–924	Isosorbide Dinitrate Sublingual Tablets U.S.P., 2.5 mg	Do.
87–045	Aminophylline Oral Solution, U.S.P.	Fisons Corp., Jefferson Rd., P.O. Box 1710, Rochester, NY 14603.
87–144	Phentermine Hydrochloride Capsules, U.S.P., 30 mg	Ferndale Laboratories, Inc.
87–609	Hydralazine Hydrochloride 100 mg/Hydrochlorothiazide 50 mg Capsules	Solvay Pharmaceuticals.
87–933	Isosorbide Dinitrate Sublingual Tablets, U.S.P.	Par Pharmaceutical, Inc.
88–041	Hydrocortisone Lotion, U.S.P., 1%	Solvay Pharmaceuticals.
88–860	Pseudoephedrine Hydrochloride and Triprolidine Hydrochloride Tablets, U.S.P., 2.5 mg/60 mg	Private Formulations, Inc., 4600 Plainfield Ave., Edison, NJ 08818.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the ANDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective May 2, 1994.

Dated: March 14, 1994.

Roger L. Williams,

Acting Director, Center for Drug Evaluation and Research.

[FR Doc. 94–7633 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Junior National Health Service Corps/ Junior Health Careers Opportunity Program

AGENCY: Health Resources and Services Administration, PHS.

ACTION: Correction of Low Income Levels for Junior National Health Service Corps/Junior Health Careers Opportunity Program.

SUMMARY: In the **Federal Register** of Friday, March 18, 1994, on page 12957 in the first column, make the following correction: The following income figures determine what constitutes a low-income family for purposes of these JrNHSC/JrHCOP grants for fiscal year 1994:

Size of parents' family [1]	Income level [2]
1	$9,700
2	12,800
3	15,000
4	19,200
5	22,600
6 or more	25,400

[1] Includes only dependents listed on Federal income tax forms.
[2] Rounded to nearest $100. Adjusted gross income for calendar year 1993.

Dated: March 25, 1994.

John H. Kelso,

Acting Administrator.

[FR Doc. 94–7631 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–15–M

Social Security Administration

Published Social Security Acquiescence Rulings

AGENCY: Social Security Administration, HHS.

ACTION: Notice of published Social Security Acquiescence Rulings.

SUMMARY: Social Security Acquiescence Rulings (ARs) explain the manner in which the Social Security Administration (SSA) applies holdings of the United States Courts of Appeals that conflict with SSA's interpretation of a provision of the Social Security Act (the Act) or regulations when adjudicating claims under title II and title XVI of the Act and part B of the Black Lung Benefits Act. This notice lists ARs and rescissions of ARs that were published in the **Federal Register** from April 1, 1993 through December 31, 1993. The purpose of this notice is to assist individuals in finding ARs.

FOR FURTHER INFORMATION CONTACT: Darlynda Bogle, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone (410) 965–4237.

SUPPLEMENTARY INFORMATION: Even though we are not required to do so pursuant to 5 U.S.C. 552 (a)(1) and (a)(2), SSA's regulations were amended on January 11, 1990, to provide that ARs are to be published in their entirety in the **Federal Register** under authority of the Commissioner of Social Security (20 CFR 422.406(b)(2)). An AR explains how SSA will apply a holding of a United States Court of Appeals that is at variance with SSA's interpretation of the Act or regulations in adjudicating claims under title II and title XVI of the Act and part B of the Black Lung Benefits Act.

Although regulations and ARs are published in the **Federal Register**, only the regulations are subsequently published in the Code of Federal Regulations (CFR). The CFR is a codification of the general and permanent rules published in the **Federal Register** by the Executive departments and agencies of the Federal Government. Consequently, the CFR may not state the circuitwide standard in effect when we have determined that the holding in a decision of a United States Court of Appeals is at variance with our national interpretation. Therefore, we are publishing this listing to assist individuals who need to reference ARs in effect as a result of holdings of the United States Courts of Appeals.

If an AR is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect, as provided for in 20 CFR 404.985(e), 410.670c(e), or 416.1485(e). If we decide to relitigate an issue covered by an AR, as provided for by 20 CFR 404.985(c), 410.670c(c), or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation and not the standard expressed in the AR, and explain why we have decided to relitigate the issue. In either of these situations, we will include the information in notices of published ARs such as this one.

This notice contains a listing of all ARs published under the requirements of 20 CFR 422.406(b)(2) during the period April 1, 1993 through December 31, 1993. The listing includes the AR number, title, publication date and the **Federal Register** reference number. This notice also lists ARs which were rescinded during this period. We anticipate publishing a notice each year that will list similar information.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security-Disability Insurance; 93.803 Social Security-Retirement Insurance; 93.805 Social Security-Survivors Insurance; 93.806 Special Benefits for Disabled Coal Miners; 93.807 Supplemental Security Income)

Walter H. Burton, Jr.,

Social Security.

Published Social Security Acquiescence Rulings

This notice lists ARs published in the **Federal Register** during the period from April 1, 1993 through December 31, 1993. It includes three ARs which were issued earlier, rescinded and replaced by revised ARs under their original AR number. It also includes the outright rescission of three ARs issued during this period, and the outright rescission of two ARs issued earlier. Two ARs published during this period required correction. The correction notices are also discussed in this notice. (The parenthetical number that follows each AR number refers to the United States judicial circuit involved.)

Acquiescence Rulings

AR 86–2R(2) *Rosenberg* v. *Richardson*, 538 F.2d 487 (2d Cir. 1976); *Capitano* v. *Secretary of HHS*, 732 F.2d 1066 (2d Cir. 1984)—Entitlement of a Deemed Widow When a Legal Widow is Entitled on the Same Earnings Record—Title II of the Social Security Act.

Published: June 25, 1992, at 57 FR 28527 as AR 86092(2).

Note: The original AR for the Second Circuit Court of Appeals' holding in *Rosenberg* and *Capitano* (AR 86–2(2)), issued January 23, 1986, was rescinded and replaced by this revised AR.

AR 86–18R(5) *Woodson* v. *Schweiker*, 656 F.2d 1169 (5th Cir. 1981)—Interpretation of the Deemed Marriage Provision—Title II of the Social Security Act.

Published: June 25, 1992, at 57 FR 28529 as AR 860918(5).

Note: The original AR for the Fifth Circuit Court of Appeals' holding in *Woodson* (AR 86–18(5)), issued May 22, 1986, was rescinded and replaced by this revised AR.

AR 86–19R(11) *Woodson* v. *Schweiker*, 656 F.2d 1169 (5th Cir. 1981)—Interpretation of the Deemed Marriage Provision—Title II of the Social Security Act.

Published: June 25, 1992, at 57 FR 28524.

Note: The original AR applicable in the Eleventh Circuit for the Fifth Circuit Court of Appeals' holding in *Woodson* (AR 86–19(11)), issued May 22, 1986, was rescinded and replaced by this revised AR.

AR 90–1(9) *Paxton* v. *Secretary of Health and Human Services*, 856 F.2d 1352 (9th Cir. 1988)—Treatment of a Dependent's Portion of an Augmented Veterans Benefit Paid Directly To a

Veteran—Title XVI of the Social Security Act.

Published: July 16, 1990, at 55 FR 28946.

AR 90–2(2) *Ruppert* v. *Bowen*, 871 F.2d 1172 (2d Cir. 1989)—Evaluation of a Rental Subsidy as In-Kind Income for Supplemental Security Income (SSI) Benefit Calculation Purposes—Title XVI of the Social Security Act.

Published: July 16, 1990, at 55 FR 28947.

AR 90–3(4) *Smith* v. *Bowen*, 837 F.2d 635 (4th Cir. 1987)—Use of Vocational Expert or Other Vocational Specialist in Determining Whether a Claimant Can Perform Past Relevant Work—Titles II and XVI of the Social Security Act.

Published: July 16, 1990, at 55 FR 28949.

AR 90–4(4) *Culbertson* v. *Secretary of Health and Human Services*, 859 F.2d 319 (4th Cir. 1988); *Young* v. *Bowen*, 858 F.2d 951 (4th Cir. 1988)—Waiver of Administrative Finality in Proceedings Involving Unrepresented Claimants Who Lack the Mental Competence to Request Administrative Review—Titles II and XVI of the Social Security Act.

Published: July 16, 1990, at 55 FR 28943.

AR 90–5(2) *Kier* v. *Sullivan*, 888 F.2d 244 (2d Cir. 1989), *reh'g denied*, January 22, 1990—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

Published: September 18, 1990, at 55 FR 38400. Rescinded—See section on Rescissions in this notice.

AR 90–6(1) *Cassas* v. *Secretary of Health and Human Services*, 893 F.2d 454 (1st Cir. 1990), *reh'g denied*, April 9, 1990— Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

Published: September 18, 1990, at 55 FR 38398. Rescinded—See section on Rescissions in this notice.

AR 90–7(9) *Ruff* v. *Sullivan*, 907 F.2d 915 (9th Cir. 1990)— Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

Published: September 18, 1990, at 55 FR 38402. Rescinded—See section on Rescissions in this notice.

AR 91–1(5) *Lidy* v. *Sullivan*, 911 F.2d 1075 (5th Cir. 1990)—Right to Subpoena an Examining Physician for Cross-examination Purposes—Titles II and XVI of the Social Security Act.

Published: December 31, 1991, at 56 FR 67625 as AR 91–X(5).

Correction Notice Published: May 1, 1992, at 57 FR 18899—AR number changed to 91–1(5).

AR 92–1(3) *Mazza* v. *Secretary of Health and Human Services*, 903 F.2d 953 (3d Cir. 1990)—Order of Effectuation in Concurrent Application Cases (Title II/Title XVI).

Published: January 10, 1992, at 57 FR 1190 as AR 91–X(3).

Correction Notice Published: May 1, 1992, at 57 FR 18899—AR number changed to 92–1(3).

AR 92–2(6) *Difford* v. *Secretary of Health and Human Services*, 910 F.2d 1316 (6th Cir. 1990), *reh'g denied*, February 7, 1991—Scope of Review on Appeal in a Medical Cessation of Disability Case—Title II of the Social Security Act.

Published: March 17, 1992, at 57 FR 9262.

AR 92–3(4) *Branham* v. *Heckler, 775 F.2d 1271 (4th Cir. 1985); Flowers* v. *U.S. Department of Health and Human Services*, 904 F.2d 211 (4th Cir. 1990)—What Constitutes a Significant Work-Related Limitation of Function.

Published: March 10, 1992, at 57 FR 8463.

AR 92–4(11) *Bloodsworth* v. *Heckler*, 703 F.2d 1233 (11th Cir. 1983)—Judical Review of an Appeals Council Dismissal of a Request for Review of an Administrative Law Judge (ALJ) Decision.

Published: April 8, 1992, at 57 FR 11961.

AR 92–5(9) *Quinlivan* v. *Sullivan*, 916 F.2d 524 (9th Cir. 1990)—Meaning of the Term "Against Equity and Good Conscience" in the Rules for Waiver of Recovery of an Overpayment—Titles II and XVI of the Social Security Act; Title IV of the Federal Mine Safety and Health Act of 1977.

Published: June 22, 1992, at 57 FR 27783.

AR 92–6(10) *Walker* v. *Secretary of Health and Human Services*, 943 F.2d 1257 (10th Cir. 1991)—Entitlement to Trial Work Period Before Approval of an Award for Benefits and Before 12 Months Have Elapsed Since Onset of Disability—Titles II and XVI of the Social Security Act.

Published: September 17, 1992, at 57 FR 43007.

AR 92–7(9) *Gonzalez* v. *Sullivan*, 914 F.2d 1197 (9th Cir. 1990)—Effect of Initial Determination Notice Language on the Application of Administrative Finality—Titles II and XVI of the Social Security Act.

Published: September 30, 1992, at 57 FR 45061.

AR 93–1(4) *Branham* v. *Heckler*, 775 F.2d 1271 (4th Cir. 1985); *Flowers* v. *U.S. Department of Health and Human Services*, 904 F.2d 211 (4th Cir. 1990)—What Constitutes a Significant Work-Related Limitation of Function.

Published: April 29, 1993, at 58 FR 25996.

Note: The original AR for the Fourth Circuit Court of Appeals' holding in *Branham* and *Flowers* (AR 92–3(4)), issued March 10, 1992, was revised to reflect a regulatory change regarding the IQ Listing range. There were no other substantive changes to this AR.

AR 93–2(2) *Conley* v. *Bowen*, 859 F.2d 261 (2d Cir. 1988)—Determination of Whether an Individual With a Disabling Impairment Has Engaged in Substantial Gainful Activity Following a Reentitlement Period—Title II of the Social Security Act.

Published: May 17, 1993, at 58 FR 28887.

AR 93–3(6) *Akers* v. *Secretary of Health and Human Services*, 966 F.2d 205 (6th Cir. 1992)—Attorney's Fees Based in Part on Continued Benefits Paid to Social Security Claimants—Title II of the Social Security Act.

Published: July 29, 1993, at 58 FR 40662.

AR 93–4(2) *Condon and Brodner* v. *Bowen*, 853 F.2d 66 (2nd Cir. 1988)—Attorney's Fees Based in Part on Continued Benefits Paid to Social Security Claimants—Title II of the Social Security Act.

Published: July 29, 1993, at 58 FR 40663.

AR 93–5(11) *Shoemaker* v. *Bowen*, 853 F.2d 858 (11th Cir. 1988)—Attorney's Fees Based in part on Continued Benefits Paid to Social Security Claimants—Title II of the Social Security Act.

Published: July 29, 1993, at 58 FR 40665.

AR 93–6(8) *Brewster on Behalf of Kelly* v. *Sullivan*, 972 F.2d 898 (8th Cir. 1992)—Interpretation of the Secretary's Regulation Regarding Presumption of Death—Title II of the Social Security Act.

Published: August 16, 1993, at 58 FR 43369.

Rescissions Without Replacement ARs

AR 87–5(3) *Velazquez* v. *Heckler, 802 F.2d 680 (3d Cir. 1986)—Consideration of Vocational Factors in Past Work Determinations.*

Notice of Rescission Published: July 16, 1990, at 55 FR 28943.

AR 88–7(5) *Hickman* v. *Bowen*, 803 F.2d 1377 (5th Cir. 1986)—Evaluation of Loans of In-Kind Support and Maintenance for Supplemental Security Income Benefit Calculation Purposes.

Notice of Rescission Published: September 8, 1992, at 57 FR 40918.

AR 90–5(2) *Kier* v. *Sullivan*, 888 F.2d 244 (2d Cir. 1989), *reh'g denied*, January 22, 1990—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

Notice of Rescission Published: May 22, 1991, at 56 FR 23592.

AR 90–6(1) *Cassas* v. *Secretary of Health and Human Services*, 893 F.2d 454 (1st Cir. 1990), *reh'g denied*, April 9, 1990—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

Notice of Rescission Published: May 22, 1991, at 56 FR 23591.

AR 90–7(9) *Ruff* v. *Sullivan*, 907 F.2d 915 (9th Cir. 1990)—Assessment of Residual Functional Capacity in Disabled Widows' Cases—Title II of the Social Security Act.

Notice of Rescission Published: May 22, 1991, at 56 FR 23592.

[FR Doc. 94–7658 Filed 3–30–94; 8:45 am]
BILLING CODE 4190–29–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–94–4110–03]

Moxa Arch Natural Gas Field, WY; EIS

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to conduct public scoping and prepare an environmental impact statement.

SUMMARY: The action proposed is to conduct scoping and to prepare an Environmental Impact Statement (EIS) on the proposal of Amoco Production Company, Union Pacific Resources Company, Wexpro/Celsius Energy Company, Bannon Energy, Marathon Oil Company, Presidio Exploration and other oil and gas companies (Companies) to drill approximately 300 wells in the existing Moxa Arch natural gas field beginning in 1994 and continuing into the following year. The Moxa Arch area is generally located in Townships 15 through 23 North, Ranges 111 through 113 West of Lincoln, Sweetwater and Uinta Counties in southwestern Wyoming, and encompasses approximately 450,000 acres.

DATES: A scoping notice will be distributed by mail on or about the date of this notice. Responses and comments will be accepted on or before May 2, 1994. No public meetings are scheduled at this time. The comments and concerns received in response to the scoping will aid the BLM in identifying alternatives and assure all issues are analyzed in the EIS. Should public demand warrant a public meeting, it will be scheduled at a later date.

ADDRESSES: Information and a copy of the Scoping Notice for the proposed Moxa Arch Natural Gas Development EIS can be obtained by writing or visiting the following offices:

—BLM, Wyoming State Office, 2515 Warren Ave., P.O. Box 1828, Cheyenne, Wyoming 82003.
—BLM, Rock Springs District Office, Highway 191 North of Rock Springs, P.O. Box 1869, Rock Springs, Wyoming 82902–1869.
—BLM, Kemmerer Resource Area Office, 415 Highway 30 North, P.O. Box 632, Kemmerer, Wyoming 83101.

Scoping comments should be sent to: Bureau of Land Management, Rock Springs District Office, ATTN: Dennis Stenger, P.O. Box 1869, Rock Springs, Wyoming, 82902–1869.

FOR FURTHER INFORMATION CONTACT: Bill McMahan, Environmental Specialist, Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming, 82902–1869, phone (307) 382–5350.

SUPPLEMENTARY INFORMATION: The intent of the expanded Moxa Arch natural gas development is to enhance natural gas recovery from the Moxa Arch lease area, allowing the Companies to provide more natural gas to companies distributing and supplying natural gas to consumers. This would benefit consumers by making additional supplies of clean-burning natural gas available. The additional wells will maximize production in an area where approximately 700 wells are already producing. In addition to wellheads and production units, associated facilities will include access roads, natural gas gathering pipeline systems and individual well tank facilities. The existing wells plus the indicated planned development wells would result in approximately 1,000 wells within the expanded Moxa Arch area.

An environmental assessment and supplement were prepared on natural gas development within the Moxa Arch field in 1991 and 1992 respectively. The decisions for these environmental analyses concluded that a certain level of development could be authorized without resulting in significant impact to the human environment. That level of development has not been exceeded—thus development concurrent with the preparation of the Expanded Moxa Arch Natural Gas Development EIS would be authorized so long as it remains within the scope of the existing environmental analyses and decisions.

Land and resource management issues and concerns associated with the construction of roads, well pads, and pipelines; the drilling and completion of well; and the operation and maintenance of a producing well field that will be analyzed in the EIS are:

—Sensitive and threatened/endangered species (plant and animal).
—Black-footed Ferret, Bald Eagle, Whooping Crane, Peregrine Falcon, Bonytail Chub, Humpbacked Chub and Colorado Squawfish.
—Antelope crucial winter range, sage grouse breeding and nesting habitat and raptor use.
—Steep slopes and unstable soils.
—Three perennial streams—Hams Fork River, Blacks Fork River and Slate Creek.
—Cultural resources.
—Surface and ground water resources.
—Areas of difficult rehabilitation due to poor soil conditions.
—Historic Oregon/Mormon Trail.
—Wetland/riparian and floodplain area protection pursuant to Executive Orders 11990 and 11988.
—High and moderate visual resource sensitivity.
—Increased human activity.
—Social and economic effects to the local communities.
—Increased public access and road density.
—Hunting quality change.
—Cumulative impacts.

Opportunities that may be derived from the expanded Moxa Arch development include: Increased royalties and tax revenues to local, State and Federal Governments; added employment and economic benefits to communities near the natural gas field; increase in Wyoming's share of new and existing markets; and development of natural gas to assist in the attainment of clean air in conformance with Presidential and Congressional direction.

Dated: March 22, 1994.

David J. Walter,

Acting State Director.

[FR Doc. 94–7668 Filed 3–30–94; 8:45 am]
BILLING CODE 4310–22–M

[WY–920–41–5700; WYW101678]

Proposed Reinstatement of Terminated Oil and Gas Lease

Date: March 23, 1994.

Pursuant to the provision of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW101678 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per

acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW101678 effective October 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 94–7669 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–41–5700; WYW125792]

Proposed Reinstatement of Terminated Oil and Gas Lease

Date: March 23, 1994.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW125792 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW125792 effective October 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 94–7670 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–41–5700; WYW124971]

Proposed Reinstatement of Terminated Oil and Gas Lease

Date: March 23, 1994.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW124971 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW124971 effective October 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 94–7671 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–22–M

[CA–060–04 4210–05; CARI 3875C, CARI 4229C, CARI 4230C, CARI 4231C]

Termination of Recreation and Public Purposes Classification and Opening Order; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates the existing Recreation and Public Purposes classifications CARI 3875C, CARI 4229C, CARI 4230C and CARI 4231C in their entirety and opens the land to appropriation under the public land laws and the general mining laws.

EFFECTIVE DATE: Termination of the classification is effective with the publication of this document. The land will be open to entry at 10 a.m. on April 6, 1994.

FOR FURTHER INFORMATION CONTACT: Mary Murphy, BLM Palm Springs-South Coast Resource Area, 63–500 Garnet Avenue, P.O. Box 2000, North Palm Springs, CA 92258–2000, (619) 251–0812.

SUPPLEMENTARY INFORMATION: On July 7, 1975, the lands described below were classified as suitable for lease or sale pursuant to the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 869–1 to 869–4) and the land was segregated from appropriation under the public land laws and the general mining laws:

San Bernardino Meridian, California

T. 4 S., R. 7 E.,
Sec. 18, lot 2 of NW¼, N½ lot 1 of NW¼, N½NE¼, SE¼NE¼
Sec. 20, All
Sec. 22, All
Sec. 26, All

2156.67 Acres, more or less

On December 3, 1990, California Departments of Parks and Recreation voluntarily relinquished the applications submitted on June 29, 1988 for Recreation and Public Purposes lease applications for the above described public lands.

Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203, the aforementioned Recreation and Public Purposes classification is hereby terminated.

At 10 a.m. on April 6, 1994 the above described land will become open to the operation of the public land laws generally, subject to existing rights, existing classifications and withdrawals, and the requirements of applicable laws, rules, and regulations.

At 10 a.m. on April 6, 1994 the above described land will become open to the location under the United States mining laws. Appropriation of the land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts. The land will remain open to the mineral leasing laws.

Dated: March 22, 1994.

Julia Dougan,

Area Manager.

[FR Doc. 94–7660 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–40–M

[AZ-024-04-4210-05; AZA-26770]

Realty Action: Recreation and Public Purposes (R&PP) Act Classification; Arizona

AGENCY: Notice.

SUMMARY: The following public lands in Gila County, Arizona have been examined and found suitable for classification for lease or conveyance to the City of Globe under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The City of Globe proposes to use the lands for a city park.

Gila and Salt River Meridian, Arizona

T. 1 N., R. 15 1/2 E.,
Sec. 22, lots 19 and 20, lot 21 excepting unpatented mining claims;
Sec. 27, lot 1, NE¼ excepting unpatented mining claims, E½NW¼, N½NE¼SW¼, N½SE¼.

Containing approximately 453 acres. Prior to conveyance, a survey will be completed to legally describe the public land.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. A right-of-way for highway purposes granted to Arizona Department of Transportation by Right-of-Way No. AZAR-0015811, and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way.

5. Those rights for railroad purposes granted to Gila Valley/Globe Railroad by Right-of-Way No. AXPHX-0006404.

6. Those rights for road purposes granted to the City of Globe by Right-of-Way No. AZA-24769.

7. Those rights as the grazing permittee, Donald H. Harrington, may have to continue his current grazing use for two years. (Grazing Record No. 06050)

For detailed information concerning this action, contact Jack Ragsdale at the office of the Bureau of Land Management, Phoenix Resource Area, 2015 W. Deer Valley Road, Phoenix, Arizona, (602) 780-8090.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Phoenix District Office, 2015 W. Deer Valley Rd., Phoenix, AZ 85027, (602) 780-8090.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a park.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: March 24, 1994.

David J. Miller,

Associate District Manager.

[FR Doc. 94-7663 Filed 3-30-94; 8:45 am]

BILLING CODE 4310-32-M

[UT-942-04-5700-11; UTU-70117]

Realty Action, Recreation and Public Purposes Lease or Sale of Public Land in San Juan County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, UTU-70117, proposed recreation and public purposes lease or sale of public land in San Juan County, Utah; segregation of land from appropriation and operation under the public land laws, including the mining laws, excepting the mineral leasing laws.

SUMMARY: The following land is being evaluated for lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869 et. seq.):

Salt Lake Meridian, Utah

T. 39 S., R. 22 E.,
Sec. 3, All.
Sec. 4, SE¼.
Sec. 9, E½.
Sec. 10, W½.

The above described land aggregates 1440 acres.

The land described is hereby segregated from appropriation and operation of the public land laws and the mining laws, excepting the mineral leasing laws, pending disposition of this action, or two hundred seventy (270) days from the date of publication of this notice in the **Federal Register**, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: David L. Krouskop, Area Realty Specialist, San Juan Resource Area, 435 North Main, P.O. Box 7, Monticello, Utah 84535; (801) 587-2141, or Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood Drive, P.O. Box 970, Moab, Utah 84532, (801) 259-6111.

Dated: March 22, 1994.

C. Delano Backus,

Acting District Manager.

[FR Doc. 94-7662 Filed 3-30-94; 8:45 am]

BILLING CODE 4310-DQ-M

[AZ-014-94-4333-04]

Arizona: Notice of Intent

AGENCY: Bureau of Land Management, Interior.

ACTION: Clarification of a Planning Decision and Establishment of Supplementary Rules.

SUMMARY: The purposes of this notice is (1) to clarify and implement a decision made in the Arizona Strip District Resource Management Plan (RMP), approved in January 1992; and (2) propose supplementary rules to provide for the protection of persons, properties and public resources and to reduce certain user conflicts in designated recreation areas.

(1) A decision made in the RMP states, "Limit camping to 14 days at any one location across the district unless otherwise authorized." This limitation shall now be stated as, "No person or persons shall camp or otherwise occupy one area on public land within the Arizona Strip District for longer than 14 consecutive days in any 28-day period. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. Persons occupying

a regular campsite within the Virgin River Canyon Recreation Area are exempt from this rule." To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

(2) The following is a designated recreation area for the purpose of applying the rules of conduct contained in 43 CFR 8365.2: Virgin River Canyon Recreation Area located in T. 41 N., R. 14 W. (G&SRM), secs. 14 and 15.

In addition to the regulations contained in 43 CFR 8365 the following supplemental rules will apply to the recreation area described above:

(a) No person shall park more than two vehicles at any one site not designated as a group site or parking area.

(b) Recreation area quiet hours are 10 p.m. to 7 a.m. No person shall operate noise-producing devices or by other means create noise enough to disturb other visitors during these hours.

(c) No person shall dispose of any waste water, including that commonly called grey water, from a vehicle or container onto the ground or into a body of water.

(d) Cutting firewood and damaging or removing vegetation is prohibited in designated recreation areas.

(e) Ground fires are prohibited during periods of extreme fire danger when on-site notices are posted.

(f) Recreation area waste receptacles are for the sole use of persons currently using the recreation area.

Exemptions from the above rules may be authorized by the Area Manager, Shivwits Resource Area.

FOR FURTHER INFORMATION CONTACT:

George W. Cropper, Area Manager, Shivwits Resource Area, 225 North Bluff Street, St. George, Utah 84770. Telephone (801) 628–4491.

SUPPLEMENTARY INFORMATION: The authority for public land occupancy rules is contained in 43 CFR 8365.1–2. Authority for establishing supplemental rules is in 43 CFR 8365.1–6. These rules will be available at the Shivwits Resource Area office, Arizona Strip District Office and Virgin River Canyon Recreation Area. Persons wishing to submit comments concerning this notice should do so in writing to the District Manager, Bureau of Land Management, 390 North 3050 East, St. George, Utah 84770, before the expiration of 30 days from the date of this publication. If no protest is received before May 4, 1994, the supplementary rules will become effective.

Roger Taylor,

District Manager.

[FR Doc. 94–7595 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–32–M

[NM–017–5101–10–G007; NMNM 89988]

Right-of-Way Application; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice is to advise the public that the Albuquerque District Office, Bureau of Land Management (BLM), is proposing to issue a right-of-way grant to the Public Service Company of New Mexico (PNM) to extend a 115 kV Transmission line from the existing BA Station from the town of Placitas, New Mexico to Rio Rancho, New Mexico. The 115 kV transmission line is proposed to cross approximately 17.5 miles of private land and 0.660 miles of public land. The portion that crosses BLM land will be approximately 3480 feet in length and 50 feet in width paralleling the existing PNM WW–WN 345 kV line west and then south crossing NM 44. The proposed transmission line will tie into an existing line along the south side of Southern Boulevard in Rio Rancho, New Mexico.

SUPPLEMENTARY INFORMATION: The following described lands have been identified as suitable for this action pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976, (90 Stat. 2776, 43 U.S.C. 1761) and subject to stipulations issued by the BLM.

New Mexico Principal Meridian

T. 13 N., R.4 E.,
Sec. 22, Lot 6 and SE¼NE¼;
Sec. 23, SW¼NW¼.
Containing 3.990 acres.

The purpose of this right-of-way is to accommodate continued growth in the Rio Rancho area for the next 10–15 years and lessen the potential for sustained power outage problems in Rio Rancho and vicinity. This new line will also benefit PNM's bulk system by completing a third 115 kV tie between BA station and the Albuquerque load center. This third path will eliminate overloads to the RB 115 kV line, which have been identified under certain contingencies. In doing so, it allows PNM to defer a major rebuild of the RB 115kV line by 6–10 years.

FOR FURTHER INFORMATION CONTACT: Joe Jaramillo, Realty Specialist at the Bureau of Land Management, Rio Puerco Resource Area, 435 Montano NE., Albuquerque, New Mexico 87107, (505) 761–8779.

Dated: March 23, 1994.

Michael R. Ford,

District Manager.

[FR Doc. 94–7667 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–FB–M

[ID–942–04–406A–02]

Idaho: Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., March 21, 1994.

The plat representing the dependent resurvey of portions of the subdivisional lines and the 1960 adjustment of the 1877 meander lines of the left bank of the Snake River (fixed and limiting boundary), and the survey of a portion of the 1993 meander lines of the left bank of the Snake River, and a metes-and-bounds survey in section 8, Township 3 North, Range 41 East, Boise Meridian, Idaho, Group No. 840, was accepted March 16, 1994.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated March 21, 1994.

Harry K. Smith,

Acting Chief Cadastral Surveyor for Idaho.

[FR Doc. 94–7675 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–GG–M

[ID–942–04–406A–02]

Idaho: Filing of Plats of Survey

The supplemental plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., March 22, 1994.

The supplemental plat, prepared to show new Lot 5 in section 35, Township 57 North, Range 1 West, Boise Meridian, Idaho, was accepted on March 18, 1994.

This survey was prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: March 22, 1994.

Gary T Oviatt,

Acting Chief Cadastral Surveyor of Idaho.

[FR Doc. 94–7593 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's Information Collection Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service Information Collection Clearance Officer and the Office of Management and Budget, Paperwork Reduction Project (1018–0015), Washington, DC 20503, telephone 202–395–7340.

Title: Waterfowl Harvest Surveys.

OMB Approval Number: 1018–0015.

Abstract: Migratory waterfowl hunting is authorized throughout the United States, including Alaska. Information on the magnitude and composition of the harvest is needed for sound management and to preclude over-harvest of the species involved. Information required for effectively governing harvests of migratory birds includes not only knowledge of the harvest's magnitude but also information on the species, age, and sex composition within that harvest, including the geographic and chronologic distribution of these components as they relate to various hunting regulations. Because they are interrelated and dependent upon each other, there are two related surveys included in this request—the Waterfowl Hunter Survey and the Waterfowl Parts Survey.

Service Form Numbers: 3–1823A (Federal Duck Stamp Card); 3–2056G (Waterfowl Hunter Survey Questionnaire and Follow-up Questionnaire); and Form 3–165 (Waterfowl Parts Survey Envelope) and 3–165A (Volunteer Card for Waterfowl Parts Survey).

Frequency: Annually.

Description of Respondents: Individuals or households.

Estimated Completion Time: Survey Cards (Form 3–1823) 8 minutes each; Questionnaires (Form 3–2056G) 2 minutes each; Waterfowl Parts Envelope (Form 3–165), 5 minutes.

Annual Responses: 63,800 (All forms).

Annual Burden Hours: 18,159.

Service Clearance Officer: Phyllis H. Cook, 703–358–1943 Mail Stop—224 Arlington Square, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: March 8, 1994.

William F. Hartwig,

Acting Assistant Director—Refuges and Wildlife.

[FR Doc. 94–7661 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–787898

Applicant: Robert Angell, Boise, ID.

The applicant requests a permit to import the sport-hunted trophy of one bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by Mrs. P. Cawood, "Gannahoek", Cradock, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT–781545

Applicant: P & D Technologies, Orange, CA.

The applicant requests a permit to take (survey and monitor) California least tern (*Sterna antillarum browni*) in Bariquitos Lagoon, San Diego County, and Terminal Island, Los Angeles County, California, for the purpose of enhancement of the survival of the species.

PRT–676811

Applicant: U.S. Fish and Wildlife Service, Regional Director, Region 2.

The applicant requests an amendment to their current permit to include activities for the San Xavier talussnail (*Sonorella eremita*) if and when it becomes Federally protected as endangered or threatened under the U.S. Endangered Species Act for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–704930

Applicant: U.S. Fish and Wildlife Service, Regional Director, Region 6.

The applicant requests an amendment to their current permit to include activities for the Kootenai River white sturgeon (*Acipenser transmontanus*) if and when it becomes Federally protected as endangered or threatened under the U.S. Endangered Species Act for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–785148

Applicant: Ogden Environmental & Energy Services, San Diego, CA.

The applicant requests an amendment to their current permit to take (collect and sacrifice) one male Riverside fairy shrimp (*Streptocephalus woottoni*) for voucher specimens from each vernal pool sampled in Los Angeles, Riverside and San Diego Counties, California, to determine the presence or absence of the species. Soil sampling of potential vernal pool areas and laboratory rehydration will be conducted during the dry season to determine the presence or absence of the species for the purpose of enhancement of the survival of the species.

PRT–746056

Applicant: LSA Associates, Inc., Riverside, CA.

The applicant requests a permit to take (capture, collect hair samples, and release) Stephen's kangaroo rat (*Dipodomys stephensi*) and the Pacific pocket mouse (*Perognathus longimembris pacificus*) in Riverside, San Diego, and San Bernardino Counties for the purpose of determining the presence or absence of this species.

PRT–787553

Applicant: Minnesota Zoo, Apple Valley, MN.

The applicant requests a permit to purchase in interstate commerce one male Andean condor (*Vulture gryphus*) from the San Diego Zoo to enhance the propagation and survival through conservation education.

PRT–787846

Applicant: Oklahoma City Zoo, Oklahoma City, OK.

The applicant requests a permit to import one male babyrousa (*Babyrousa babyrussa*) from the Vienna Zoo, Wien, Austria, to enhance the propagation and survival through breeding.

PRT–787644

Applicant: William Vanherweg & Stephen Tabor, Bakersfield, CA.

The applicant requests a permit to take (live-trap and release) the Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) in Kern County, CA, to

determine the presence or absence of this species for the purpose of enhancement of the survival of the species.

PRT–787037

Applicant: Branchipod Research Group, USDA, San Diego, CA.

The applicant requests a permit to take (collect and sacrifice) the Riverside fairy shrimp (*Streptocephalus woottoni*) for voucher specimens from each vernal pool sampled in San Diego, Los Angeles, and Riverside Counties, California, to determine the presence or absence of the species for the purpose of enhancement of the survival of the species.

PRT–787645

Applicant: Thomas Olsen Associates, Inc., Hemet, CA.

The applicant requests a permit to take (capture and release) the Delhi Sands Flower-loving fly (*Rhaphiomidas terminatus abdominalis*) in San Bernardino County to study the biological requirements of the species.

PRT–788031

Applicant: Oakhill Center for Rare and Endangered Species, Oklahoma, OK.

The applicant requests a permit to import a female captive-born Amur leopard (*Panthera pardus orientalis*) from Assiniboine Park Zoo, Canada, for the purpose of enhancement of propagation and survival of the species.

PRT–787917

Applicant: Earth Technology Corp., Colton, CA.

The applicant requests a permit to take the Riverside fairy shrimp (*Streptocephalus wootini*) from vernal pools and ponded water at March Air Force Base, Riverside County, CA, to determine the presence or absence of this species for the purpose of enhancement and survival of the species.

PRT–786037

Applicant: Fort Worth Zoo, Fort Worth, TX.

The applicant requests a permit to import samples taken from captive-held Jamaican iguanas (*Cyclura collei*) at the Hope Zoo, Kingston, Jamaica, for genetic research aimed to enhance the propagation and survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 25, 1994.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 94–7607 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–55–P

Meetings; Klamath River Basin Fisheries Task Force

AGENCY: Department of the Interior, U.S. Fish and Wildlife Service.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Klamath River Basin Fisheries Task Force will meet from 10 a.m. to 5:15 p.m. on Tuesday, April 19, and from 8 a.m. to 4:45 p.m. on Wednesday, April 20, 1994. (There will be a public comment period each day).

PLACE: The meeting will be held at the Brookings Inn, Highway 101 North, Brookings, Oregon.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006, Yreka, California 96097–1006, telephone (916) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Task Force, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). The Task Force will meet to hear reports from water management and fishery agencies on plans for the dry water year anticipated for the Klamath Basin, and will make recommendations for protecting anadromous fish under drought conditions. The Klamath Fishery Management Council will report on anticipated 1994 salmon abundance, harvest management protections for natural stocks, and expected spawning escapements.

The Task Force may respond with recommendations to the Council. Reports will be provided on restoration programs to be funded in the current fiscal year (FY 1994), and plans for next year's programs. The Task Force will consider adjustments in current-year funding priorities, and schedule milestones for ranking proposals for FY 1995 funding.

Dated: March 22, 1994.

Don Weathers,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 94–7688 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Grants and Cooperative Agreement Awards

AGENCY: U.S. Geological Survey.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Geological Survey (USGS) is planning to enter into a Cooperative Research and Development Agreement (CRADA) with Radian Corporation. The purpose of the CRADA is to develop expert advising system software for ground penetrating radar with an automated positioning system. Any other organization interested in pursuing the possibility of a CRADA for similar kinds of activities should contact the USGS.

DATES: This notice is effective immediately.

ADDRESSES: Information on the proposed CRADA is available to the public upon request at the following location: U.S. Geological Survey, Branch of Geophysics, P.O. Box 25046, Denver Federal Center, MS–964, Denver, Colorado 80225–0046.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Olhoeft of the U.S. Geological Survey, Branch of Geophysics, at the address given above, telephone (303) 236–1302, no later than 30 days from the publication of this notice.

Benjamin A. Morgan,

Chief Geologist.

[FR Doc. 94–7689 Filed 3–30–94; 8:45 am]

BILLING CODE 4310–31–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development and Economic Cooperation; Cancellation of Meeting

The meeting of the Board scheduled for April 14, 1994, and announced in the **Federal Register** on March 23, 1994 (59 FR 13742–43) has been canceled.

For further information please contact: Mr. Jiryis Oweis, Agency for International Development, room 900 SA–38, Washington, DC 20523–3801, (703) 816–0264.

Dated: March 24, 1994.

Jan W. Miller,

Assistant General Counsel for Employee & Public Affairs.

[FR Doc. 94–7591 Filed 3–30–94; 8:45 am]

BILLING CODE 6116–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–353]

Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Round Agreements

AGENCY: International Trade Commission.

ACTION: Institution of investigation and call for public submissions.

EFFECTIVE DATE: March 25, 1994.

SUMMARY: Following receipt on March 23, 1994, of a request from the House Committee on Ways and Means and the Senate Committee on Finance, the Commission instituted investigation No. 332–353, Potential Impact on the U.S. Economy and Industries of the GATT Uruguay Agreements, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

FOR FURTHER INFORMATION CONTACT: Information on industry sectors may be obtained from Karen Laney-Cummings, Office of Industries (202–205–3443) or Mark Estes, Office of Industries (202–205–3491); economic aspects, from Hugh Arce, Office of Economics (202–205–3234); and legal aspects, from William Gearhart, Office of the General Counsel (202–205–3091). The media should contact Margaret O'Laughlin, Director, Office of Public Affairs (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on 202–205–1107.

BACKGROUND: In their letter dated March 23, 1994, the Committees note that the President notified the Congress on December 15, 1993, of his intention to enter into trade agreements resulting from the Uruguay Round of multilateral trade negotiations under the General Agreement on Tariffs and Trade (GATT).

The Committees asked the Commission to conduct a study under section 332(g) consisting of (1) a review and analysis of existing economy-wide studies of the effects of the Uruguay Round, focusing on the effects on overall U.S. employment, output, and trade flows; and (2) analyses of the impact of both tariff and nontariff provisions of the GATT Uruguay Round Agreements on important agricultural, industrial, and service sectors of the economy. Both areas of analysis should include consideration of the likely impact of the Agreements on U.S. production, employment, U.S. consumers, and U.S. exports and imports.

The Committees asked that the analyses be based on the Agreements as concluded to date, not on hypothetical assumptions concerning provisions that are still under negotiation. They also asked that the study focus on those provisions having the greatest impact on individual sectors. More specifically, the Committees asked that the Commission's assessment identify those provisions of the Agreements likely to significantly impact each sector.

The Committees have requested the study by June 17, 1994 and have directed that the report should be concise and emphasize important implications rather than quantitative detail.

WRITTEN SUBMISSIONS: Interested persons are invited to submit written statements concerning the matters to be addressed by the Commission in its report. The Commission is especially interested in receiving information regarding the impact of the GATT Uruguay Round Agreements on individual sector employment, output, and trade flows. A list of the sectors under examination by the Commission is attached. Written submissions should be received no later than noon on May 2, 1994. All submissions should be addressed to the Secretary of the Commission at the Commission's office, 500 E Street, SW., Washington, DC 20436.

Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

By order of the Commission.

Issued: March 25, 1994.

Donna R. Koehnke,

Secretary.

Attachment

Industry Sectors

Agriculture, Fisheries, and Forestry Sectors

Livestock and meat
Poultry and eggs
Dairy
Fish
Sugar and other sweeteners
Fruit and vegetables
Grain, milled grain, and animal feed
Oilseed and oilseed products
Alcoholic beverages
Tobacco and tobacco products
Tropical and specialty agricultural products
Wood and lumber products
Paper, pulp, and printed matter
Cotton

Industrial Sectors

Energy and Chemicals

Energy and related products
Primary aromatic chemicals and olefins
Agricultural chemicals
Miscellaneous finished chemical products
Pharmaceuticals
Rubber, plastics, and products thereof
Miscellaneous chemicals

Textiles, Apparel, and Footwear

Textiles
Apparel
Footwear

Minerals and Metals

Non-ferrous metals and products
Flat glass, fiber glass, and miscellaneous glass products
Industrial and household ceramics
Non-metallic industrial minerals
Steelmaking raw materials
Basic iron and steel products
Fabricated metal products

Machinery and Transportation

Motor vehicles

Motor vehicle parts
Aerospace equipment and parts
Certain transportation equipment
Metal wood working equipment
Industrial machinery
Electrical equipment and components
Appliances
Miscellaneous equipment

Electronics

Computers and office equipment
Telephone and telegraph apparatus and optical cable
Consumer electronic products
Recorded media
Semiconductors, and other electronic components
Instruments
Medical equipment
Photographic and optical equipment and materials

Miscellaneous manufactures

Silverware, flatware, and jewelry
Dolls, toys, games, sporting goods, bicycles, and musical instruments
Luggage, handbags, and flatgoods
Furniture and lamps
Miscellaneous manufactured articles

Service Sectors [1]

Audio visual
Business and professional (including advertising, accounting, architecture and engineering, consulting, and legal services)
Construction
Tourism
Value-added telecommunications

[FR Doc. 94–7606 Filed 3–30–94; 8:45 am]
BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders or Ms. Judith Groves, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927–6212 or (202) 927–6245.

Comments on the following assessment are due 15 days after the date of availability:

AB–167 (Sub-No. 1135X), Consolidated Rail Corporation—Abandonment Exemption—in Richland County, Ohio. EA available 3/22/94.

Comments on the following assessment are due 30 days after the date of availability:

AB–103 (Sub-No. 6), City of Poteau—Abandonment of the Kansas City Southern Railroad line in LeFlore County, OK. EA available 3/21/94.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–7644 Filed 3–30–94; 8:45 am]
BILLING CODE 7035–01–P

[1] The Maritime, Financial, and Basic Telecommunications sectors are subject to further negotiations and therefore will not be covered in detail.

[Finance Docket No. 32465]

H. Peter and Linda C. Claussen—Continuance in Control Exemption—Rocky Mount & Western Railroad Co., Inc.

H. Peter and Linda C. Claussen (the Claussens), noncarrier individuals, have filed a notice of exemption to continue in control of Rocky Mount & Western Railroad Co., Inc. (RMWR), upon RMWR becoming a class III rail carrier.

RMWR, a noncarrier, has concurrently filed a notice of exemption in Rocky Mount & Western Railroad Co., Inc.—Acquisition and Operation Exemption—L & S Holding Company d/b/a Nash County Railroad Corporation, Finance Docket No. 32463, to acquire and operate approximately 20 miles of rail line owned by L & S Holding Company d/b/a Nash County Railroad Corporation (NCRR),[1] extending between milepost ABA–119.9 at Rocky Mount, and milepost ABA–139.5 near Spring Hope, in Nash County, NC.[2] The notice became effective on March 3, 1994.[3]

The Claussens own and control the following nonconnecting class III rail carriers: Albany Bridge Company, Inc. (operating in Georgia); Gulf and Ohio Railways, Inc. (operating in Mississippi as the Mississippi Delta Railroad and in Georgia as the Atlantic & Gulf Railroad); Wiregrass Central Railroad Company, Inc. (operating in Alabama); and H & S Railroad Company, Inc. (operating in Alabama).

The Claussens state that:

(1) The properties operated by these railroads do not connect with each other or with the lines being acquired by PARR and RMWR;

(2) The continuance in control is not a part of a series of anticipated transactions that would connect the railroads with each other or with any railroad in the corporate family; and

(3) The transaction does not involve a class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Adam M. Mycyk of Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, NW., suite 800, Washington, DC 20005–4797.

Decided: March 24, 1994.

[1] NCRR is one of four active rail carriers [the other three are Laurinburg & Southern Railroad Co., Robeson County Railroad Corporation (RCR) and Yadkin Valley Railroad Company] and two inactive rail carriers (Saltville Railroad Corporation and Franklin County Railroad Corporation) that were recently merged into Laurinburg Oil Company (Laurinburg) in a corporate family transaction. Laurinburg Oil Company—Merger Exemption—Laurinburg and Southern Railroad Company, Robeson County Railroad Corporation, Yadkin Valley Railroad Company, and Nash County Railroad Corporation, Finance Docket No. 32426 (ICC served Jan. 13, 1994). The merger also involved the Red Springs and Northern Railroad Company, a division of RCR. After the merger, Laurinburg's name was changed to L & S Holding Company (L&S), and the four active railroads operated as separate divisions of L&S.

[2] In two other concurrently filed notices of exemption, the Piedmont & Atlantic Railroad Co., Inc. (PARR), another noncarrier controlled by the Claussens, is subleasing a nonconnecting rail line from L & S Holding Company d/b/a Laurinburg & Southern Railroad Co. and Yadkin Valley Railroad Company; and the Claussens correspondingly seek to continue in control of PARR when it becomes a class III rail carrier. Piedmont & Atlantic Railroad Co., Inc.—Lease and Operation Exemption—L & S Holding Company d/b/a Laurinburg & Southern Railroad Co. and Yadkin Valley Railroad Company, Finance Docket No. 32462; and H. Peter and Linda C. Claussen—Continuance in Control Exemption—Piedmont & Atlantic Railroad Co., Inc., Finance Docket No. 32464.

[3] Under 49 CFR 1150.32(b), notices of exemption become effective 7 days after filing. Here, the effective date is calculated from February 24, 1994, when petitioners' additional submission was received.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–7641 Filed 3–30–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32477]

Kokomo Grain Co., Inc.—Acquisition Exemption—Rail Line of Kokomo Rail Co., Inc.

Kokomo Grain Co., Inc. (KGI), a noncarrier, has filed a notice of exemption to acquire from Kokomo Rail Co., Inc. (KRI), a 12.59-mile railroad line, extending from milepost 134.48 at Marion to milepost 147.07 at Amboy, in Grant and Miami Counties, IN. The line is being operated by Central Railroad Company of Indianapolis under an agreement that will be assigned by KRI to KGI.

The parties expected to consummate the proposed transaction on or after March 18, 1994.[1]

Any comments must be filed with the Commission and served on: Thomas F. McFarland, Jr. of Belnap, Spencer, McFarland & Herman; 20 North Wacker Drive, suite 3118; Chicago, IL 60606–3101.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

[1] KGI is a shipper on the line. It does not seek, and this notice does not constitute, an exemption from 49 U.S.C. 10746, the so-called commodities clause. Section 10746 provides, "a rail carrier providing transportation * * * may not transport * * * [a] commodity that * * * is owned by the carrier or in which it has an interest." The commodities clause does not preclude railroad ownership by a shipper. See *United States* v. *Lehigh Valley R. Co.*, 220 U.S. 257 (1911). Rather, it was intended to prevent possible discrimination if rail carriers manufacture or deal in products that they also transport for others. Thus, a violation of section 10746 can occur only if the rail line will be operated as the alter ego of the shipper and other shippers will be prejudiced. See *United States* v. *South Buffalo Ry. Co.*, 333 U.S. 771 (1948); and *Border Pacific Railroad, Inc.—Exemption From 49 U.S.C. 10901, 10746, and 11301*, Finance Docket No. 30347 (ICC served Jan. 16, 1984).

Because there are no competing shippers on the line and KGI has contracted out its operation, it is unlikely that others will be prejudiced by the acquisition. Under similar circumstances, the Commission has routinely dismissed petitions for exemption from section 10746. See, *e.g.*, *Southern Electric Generating Company—Petition for Exemption from Regulation under 49 U.S.C. 10746*, Finance Docket No. 31498 (ICC served Sept. 19, 1989); and *Blackstone Capital Partners L.P., Blackstone Transportation Partners L.P. and USX Corporation—Exemption From 49 U.S.C. 10746, 11321, and 11343*, Finance Docket No. 31363 (ICC served Dec. 23, 1988) (slip op. at 3–4).

Decided: March 24, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–7643 Filed 3–30–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32463]

Rocky Mount & Western Railroad Co., Inc.—Acquisition and Operation Exemption—L & S Holding Company d/b/a Nash County Railroad Corporation

Rocky Mount & Western Railroad Co., Inc. (RMWR), a noncarrier, has filed a notice of exemption to acquire and operate approximately 20 miles of rail line owned by L & S Holding Company d/b/a Nash County Railroad Corporation (NCRR),[1] extending between milepost ABA–119.9 at Rocky Mount, and milepost ABA–139.5 near Spring Hope, in Nash County, NC.[2] The notice became effective on March 3, 1994.[3] Any comments must be filed with the Commission and served on: Adam M. Mycyk of Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, NW., suite 800, Washington, DC 20005–4797.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 24, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–7642 Filed 3–30–94; 8:45 am]

BILLING CODE 7035–01–P

[1] NCRR is one of four active rail carriers [the other three are Laurinburg & Southern Railroad Co., Robeson County Railroad Corporation (RCR) and Yadkin Valley Railroad Company] and two inactive rail carriers (Saltville Railroad Corporation and Franklin County Railroad Corporation) that were recently merged into Laurinburg Oil Company (Laurinburg) in a corporate family transaction. Laurinburg Oil Company—Merger Exemption—Laurinburg and Southern Railroad Company, Robeson County Railroad Corporation, Yadkin Valley Railroad Company, and Nash County Railroad Corporation, Finance Docket No. 32426 (ICC served Jan. 13, 1994). The merger also involved the Red Springs and Northern Railroad Company, a division of RCR. After the merger, Laurinburg's name was changed to L & S Holding Company (L&S), and the four active railroads operated as separate divisions of L&S.

[2] In a related notice of exemption, H. Peter and Linda C. Claussen (the Claussens) seek to continue to control RMWR when it becomes a class III rail carrier. H. Peter and Linda C. Claussen—Continuance in Control Exemption—Rocky Mount & Western Railroad Co., Inc., Finance Docket No. 32465. Additionally, in two other concurrently filed notices of exemption, the Piedmont & Atlantic Railroad Co., Inc. (PARR), another noncarrier controlled by the Claussens, is subleasing a nonconnecting rail line from L & S Holding Company d/b/a Laurinburg & Southern Railroad Co. and Yadkin Valley Railroad Company; and the Claussens correspondingly seek to continue in control of PARR when it becomes a class III rail carrier. Piedmont & Atlantic Railroad Co., Inc.—Lease and Operation Exemption—L & S Holding Company d/b/a Laurinburg & Southern Railroad Co. and Yadkin Valley Railroad Company, Finance Docket No. 32462; and H. Peter and Linda C. Claussen—Continuance in Control Exemption—Piedmont & Atlantic Railroad Co., Inc., Finance Docket No. 32464.

[3] Under 49 CFR 1150.32(b), notices of exemption become effective 7 days after filing. Here, the effective date is calculated from February 24, 1994, when petitioner's additional submission was received.

DEPARTMENT OF JUSTICE

Immigration Related Employment Discrimination Public Education Grants

AGENCY: Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice.

ACTION: Notice of availability of funds and solicitation for grant applications.

SUMMARY: The Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") announces the availability of up to $900,000 for grants to conduct public education programs about the rights afforded potential victims of employment discrimination and the responsibilities of employers under the antidiscrimination provision of the Immigration Reform and Control Act of 1986 ("IRCA"), 8 U.S.C. § 1324b, as amended by Title V, Section C of the Immigration Act of 1990.

It is anticipated that a number of grants will be competitively awarded to applicants who can demonstrate a capacity to design and successfully implement public education campaigns to combat immigration-related employment discrimination. Grants will range in size from $50,000 to $200,000.

OSC will accept proposals from applicants who have access to potential victims of discrimination or whose experience qualifies them to educate employers about the antidiscrimination provisions of IRCA. OSC welcomes proposals from diverse nonprofit organizations [501(c)(3) status] such as local, regional or national ethnic and immigrants' rights advocacy organizations, trade associations, industry groups, professional organizations, or other nonprofit entities [501(c)(3) status] providing information

services to potential victims of discrimination and/or employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

APPLICATION DUE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Patita McEvoy or Ginette Milanés, Public Affairs Specialists. Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., NW., suite 9000, P.O. Box 27728, Washington, DC 20038–7728. Tel. (202) 616–5594, or (202) 616–5525 (TDD for the hearing impaired).

SUPPLEMENTARY INFORMATION: The Office of Special Counsel for Immigration Related Unfair Employment Practices of the Department of Justice announces the availability of funds to conduct public education programs concerning the antidiscrimination provisions of IRCA. Funds will be awarded to selected applicants who propose cost effective ways of educating employers and/or members of the protected class, or to those who can fill a particular need not currently being met.

Background

On November 6, 1986, President Reagan signed into law the Immigration Reform and Control Act of 1986, Pub. L. No. 99–603. Additional provisions were signed into law by President Bush in the Immigration Act of 1990 on November 29, 1990. IRCA makes hiring aliens without work authorization unlawful, and it requires employers to verify the identity and work authorization of all new employees. Employers who violate this law are subject to sanctions, including fines and possible criminal prosecution.

During the debate of IRCA, Congress foresaw the possibility that employers, fearful of sanctions, would refuse employment to individuals simply because they looked or sounded foreign. Consequently, Congress enacted Section 102 of IRCA, an antidiscrimination provision. Section 102 prohibits employers of four or more employees from discriminating on the basis of citizenship status or national origin in hiring, firing, recruitment or referral for a fee. Citizens and certain classes of work authorized individuals are protected from citizenship status discrimination. Protected non-citizens include permanent residents, temporary residents under the amnesty, the Special Agricultural Workers (SAWs) or the Replenishment Agricultural Workers (RAWs) programs, refugees and asylees who apply for naturalization within six months of being eligible to do so. Citizens and *all* work authorized individuals are protected from discrimination on the basis of national origin. However, this prohibition applies to employers with four to fourteen employees. National origin discrimination complaints against employers with fifteen or more employees remain under the jurisdiction of the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.

Congress created the OSC to enforce Section 102. OSC is responsible for receiving and investigating discrimination charges and, when appropriate, filing complaints with a specially designated administrative tribunal. OSC also initiates independent investigations of possible Section 102 violations.

While OSC has established a record of vigorous enforcement, studies by the U.S. General Accounting Office and other sources have shown that there is an extensive lack of knowledge on the part of protected individuals and employers about the antidiscrimination provisions. Enforcement cannot be effective if potential victims of discrimination are not aware of their rights. Moreover, discrimination can never be eradicated so long as employers are not aware of their responsibilities.

Purpose

OSC seeks to educate both potential victims of discrimination about their rights and employers about their responsibilities under the antidiscrimination provision of IRCA. Because previous grantees have developed a wealth of materials (*e.g.*, brochures, posters, booklets, information packets, and videos) to educate these groups, OSC has determined that the focus of the program should be on the actual delivery of said education. More specifically, in keeping with the purpose of the grant program, OSC seeks proposals that will use *existing materials* effectively to educate large numbers of workers or employers about exercising their rights or fulfilling their obligations under the antidiscrimination provisions.

Program Description

The program is designed to develop and implement cost effective approaches to educate potential victims of employment discrimination about their rights and to educate employers about their responsibilities under IRCA's antidiscrimination provisions. Applications may propose to educate potential victims only, employers only, or both in a single campaign. Program budgets must include the travel, lodging and other expenses necessary for at least one, but not more than two, program staff members to attend the mandatory OSC grantee training (2 days) held in Washington, D.C. at the beginning of the grant period (late Autumn). Proposals should outline the following key elements of the program:

Part I: Targeted Population

The educational efforts under the grant should be directed to (1) work authorized non-citizens who are protected individuals, since this group is especially vulnerable to employment discrimination; (2) those citizens who are most likely to become victims of employment discrimination; and/or to (3) employers. The proposals should define the characteristics of the work authorized population or the employer group(s) targeted for the educational campaign, and the applicant's qualifications to credibly and effectively reach large segments of the campaign targets.

The proposals should also detail the reasons for targeting each group of protected individuals or employers by describing particular needs or other factors to support the selection. In defining the campaign targets and supporting the reasons for the selection, applicants may use studies, surveys, or any other sources of information of generally accepted reliability.

Part II: Campaign Strategy

We encourage applicants to devise effective and creative means of public education and information dissemination that are specifically designed to reach the widest possible targeted audience. Those applicants proposing educational campaigns addressing potential victims of discrimination should keep in mind that some of the traditional methods of public communication may be less than optimal for educating members of national or linguistic groups that have limited community- based support and communication networks.

Proposals should discuss the components of the campaign strategy, detail the reasons supporting the choice of each component, and explain how each component will effectively contribute to the overall objective of cost-effective dissemination of useful and accurate information to a wide audience of protected individuals or employers. Discussions of the campaign strategies and supporting rationale should be clear, concise, and based on sound evidence and reasoning.

Since there presently exists a wealth of materials for use in educating the public, proposals should include in their budgets the costs for printing from camera-ready materials received from OSC or from current/past OSC grantees. To the extent that applicants believe the development of original materials particularly suited to their campaign is necessary, their proposal should articulate in detail the circumstances requiring the development of such materials. All such materials *must* be approved by OSC to ensure legal accuracy and proper emphasis prior to production. It should be noted that proposed revisions/translations of OSC approved materials must also be submitted for clearance. All information distributed should also include mention of the OSC as a source of assistance, information and action, and the correct address and telephone numbers of the OSC (including the toll-free and TDD toll-free numbers for the hearing impaired).

Part III: Evaluation of the Strategy

One of the central goals of this program is determining what public education strategies are most effective and thus, should be included in future public education efforts.

Therefore, it is crucial that the methods of evaluating the campaign strategy and public education materials and their results be carefully detailed. A full evaluation of a project's effectiveness is due within 60 days of the conclusion of a campaign.

Selection Criteria

The final selection of grantees for award will be made by the Special Counsel for Immigration Related Unfair Employment Practices. Each proposal will evaluated for effectiveness and efficiency with emphasis on the various factors enumerated below. Letters of support, endorsement, or recommendation will not be accepted or considered.

Applicants should be aware that some states are currently conducting IRCA antidiscrimination outreach and education programs with funds made available under the Immigrant Nurses Relief Act of 1989, Pub. L. 101–238. Unnecessary duplication of specific efforts under those programs should be avoided. OSC will take steps to coordinate these efforts but expects that, to the extent practicable, grantees will do so as well.

In determining which applications to fund, OSC will consider the following (based on a one-hundred point scale):

1. Program Design (50 points)

Sound program design and cost effective strategies for educating the targeted population are imperative. Consequently, areas that will be closely examined include the following:

a. Evidence of in-depth knowledge of the goals and objectives of the project. (15 points)

b. Selection and definition of the target group(s) for the campaign, and the factors that support the selection, including special needs, and the applicant's qualifications to effectively reach the target. (10 points)

c. A cost effective campaign strategy for educating targeted employers and/or members of the protected class, with a justification for the choice of strategy. (15 points)

d. The evaluation methods proposed by the applicant to measure the effectiveness of the campaign and their precision in indicating to what degree the campaign is successful. (10 points)

2. Administrative Capability (20 points)

Proposals will be rated in terms of the capability of the applicant to implement the targeting, public education and evaluation components of the campaign:

a. Evidence of proven ability to provide high quality results. (10 points)

b. Evidence that the applicant can implement the campaign, and complete the evaluation component within the time lines provided. Note: OSC's experience during previous grant cycles has shown that a number of applicants choose to apply as a consortium of individual entities; or, if applying individually, propose the use of sub-contractors to undertake certain limited functions. It is essential that these applicants demonstrate the proven management capability and experience to ensure that, as lead agency, they will be directly accountable for the successful implementation, completion, and evaluation of the project. (10 points)

3. Staff Capability (10 points)

Applications will be evaluated in terms of the degree to which:

a. The duties outlined for grant-funded positions appear appropriate to the work that will be conducted under the award. (5 points)

b. The qualifications of the grant-funded positions appear to match the requirements of these positions. (5 points) NOTE: Should there be any change in professional staff during the grant period, hiring is subject to review and approval by OSC at that time.

4. Previous Experience (20 points)

The proposals will be evaluated on the degree to which the applicant demonstrates that it has successfully carried out programs or work of a similar nature in the past.

Eligible Applicants

This grant competition is open to nonprofit organizations [501(c)(3) status] that serve potential victims of discrimination and/or employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

Grant Period and Award Amount

It is anticipated that several grants will be awarded and will range in size from $50,000 to $200,000.

During evaluation, OSC will closely examine those proposals that guarantee maximum exposure and penetration in the employer or potential victims target populations. Thus, a campaign designed to reach a very large proportion of employers (or potential victims) in the state of Texas would take precedence over a campaign designed to reach a more limited number of employers (or potential victims) nationwide.

Publication of this announcement does not require OSC to award any specific number of grants, to obligate the entire amount of funds available, or to obligate any part thereof. The period of performance will be twelve months from the date of the grant award. Those grantees who successfully achieve their goals may be considered for supplementary funding for a second year based on the availability of funds.

Application Deadline

All applications must be received by 5:00 p.m. EDT, May 2, 1994 at the Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., N.W., Suite 9000, P.O. Box 27728, Washington, DC 20038–7728. Applications submitted via facsimile machine will not be accepted or considered.

Application Requirements

Applicants should submit an original and two (2) copies of their completed proposal by the deadline established above. All submissions must contain the following items in the order listed below:

1. A completed and signed Application for Federal Assistance (Standard Form 424) and Budget Information (Standard Form 424A).

2. OJP Form 4061/6 (Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements).

3. An abstract of the full proposal, not to exceed one page.

4. A program narrative of not more than fifteen (15) double-spaced typed pages which include the following:

a. A clear statement describing the approach and strategy to be utilized to complete the tasks identified in the program description;

b. A clear statement of the proposed goals and objectives, including a listing of the major events, activities, products and timetables for completion;

c. The proposed staffing plan (NOTE: Should there be a change in professional staff during the grant period, hiring is subject to review and approval by OSC at that time); and,

d. Description of how the project will be evaluated.

5. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and a short narrative justification of each budgeted line item cost. If an indirect cost rate is used in the budget, then a copy of a current fully executed agreement between the applicant and the Federal cognizant agency must accompany the budget.

Note: Program budgets must include the travel, lodging and other expenses necessary for at least one, but not more than two, program staff members to attend the mandatory OSC grantee training (2 days) held in Washington, D.C. at the beginning of the grant period (late Autumn).

6. Copies of resumes for the professional staff proposed in the budget

(**Note:** OSC expects staff for any proposed project to already be in the employ of, or under contract with, the applicant).

7. Detailed technical materials that support or supplement the description of the proposed effort should be included in the appendix.

In order to facilitate handling, please do not use covers, binders or tabs.

Application forms may be obtained by writing or telephoning: Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., NW., suite 9000, P.O. Box 27728, Washington, DC 20038–7728. Tel. (202) 616–5594, or (202) 616–5525 (TDD for the hearing impaired).

Dated: March 25, 1994.

Approved:

William Ho-Gonzalez,

Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices.

[FR Doc. 94–7620 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–P

Lodging of Consent Decree

In accordance with the policy of the Department of Justice, notice is hereby given that on 21 March 1994, a proposed consent decree in *United States* v. *Cablec Continental Cables Company.*, Civil Action No. F–91–39 was lodged with the United States District Court for the Northern District of Indiana. The Complaint filed by the United States alleged violations of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. 6901 *et seq.* The Consent Decree requires the defendant to maintain compliance with the RCRA and pay a civil penalty of $275,000.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Cablec Continental Cables Company*, DJ Ref. # 90–7–1–610.

The proposed consent decree may be examined at the office of the United States Attorney, 3128 Federal Building, 1300 South Harrison Street, Fort Wayne, Indiana and at the Region V Office of the Environmental Protection Agency, 111 West Jackson Blvd., 3rd floor, Chicago, Illinois 60604. Copies of the proposed consent decree may also be examined at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington DC 20005, (202) 624–0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $3.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 94–7585 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 7, 1994, a proposed Consent Decree in *United States* v. *L.S. Starrett Co.*, Civil Action No. 94–40034–XX, was lodged with the United States District Court for the District of Massachusetts resolving the matters alleged in a complaint filed simultaneously with the Consent Decree. The proposed Consent Decree concerns violations by Starrett of the Clean Water Act ("CWA"), 33 U.S.C. 1251, *et seq.*, at Starrett's metal finishing facility in Athol, Massachusetts. The CWA violations alleged in the complaint include discharges of pollutants in excess of federal Categorical Pretreatment Standards and National Prohibited Discharge Standards, and failure to comply with federal reporting requirements.

Under the terms of the Consent Decree, the defendant will pay a civil penalty of $325,000 to the United States. In addition, Starrett will be required to comply with federal pretreatment standards and the National Prohibited Discharge Standard for pH, as well as comply with monitoring, sampling, and reporting requirements.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *L.S. Starrett Co.*, D.J. Ref. 90–5–1–1–4029.

The proposed Consent Decree may be examined at the Region I Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts, and at the office of the United States Attorney, District of Massachusetts, 1003 J.W. McCormack P.O. & Courthouse, Boston, MA 02109, c/o George B. Henderson, II, Assistant U.S. Attorney. Copies of the Consent Decree may also be examined at the Consent Decree Library, 1220 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $17.75 (25 cents per page reproduction cost for the Consent Decree excluding Appendices) made payable to Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94–7586 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, set out in 28 CFR 50.7, notice is hereby given that on March 17, 1994, a

proposed consent decree in full settlement of *United States, et al.* v. *County Sanitation Districts of Los Angeles County*, Civil Action No. CV 92–0061–RG (JRx), was lodged with the United States District Court for the Central District of California. In the Complaint in that action, the United States seeks civil penalties and injunctive relief for unpermitted discharges of pollutants into waters of the United States, and for discharges of pollutants in violation of the conditions of CSDLAC's permit issued under the National Pollutant Discharge Elimination System ("NPDES") and the Clean Water Act. The proposed settlement resolves the liability of CSDLAC for all of the violations alleged in the complaint.

Under the terms of the settlement, CSDLAC will comply with a schedule calling for full implementation of secondary treatment of all of the wastewater treated at CSDLAC's Joint Wastewater Treatment Plant, with compliance to be achieved by December 2002, subject to a limited extension provision if CSDLAC can demonstrate that compliance by that date would result in significant additional environmental harm from resuspension of contaminated sediments. CSDLAC will also pay a civil penalty of $500,000, with $200,000 of that amount to be paid to the State of California, which is a co-plaintiff in this suit. CSDLAC is also required to undertake projects providing for increased use of reclaimed water and the collection of household hazardous waste.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044. Comments should refer to *United States* v. *County Sanitation Districts of Los Angeles County*, D.J. Ref. No. 90–5–1–1–3824.

The consent decree may be examined at the Office of the United States Attorney, Central District of California, 300 North Los Angeles Street, Los Angeles, CA 90012; at the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005.

In requesting a copy, please tender a check in the amount of $8.00 (25 cents per page reproduction charge) payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94–7687 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States, et al.*, v. *Rohm and Haas Company, et al.*, Civil Action No. 85–4386, was lodged on March 16, 1994, with the United States District Court for the District of New Jersey, Camden Vicinage. The proposed decree resolves the United States' claims under CERCLA against defendant Rohm and Haas Company ("Rohm and Haas") with respect to the Lipari Landfill Superfund Site, in Mantua Township, New Jersey. This settlement relates to the performance of the ROD III, or "off-site" remedy for the Lipari Site. Rohm and Haas is a generator that arranged to have hazardous substances sent to the Site for disposal. Under the terms of the proposed decree, Rohm and Haas will perform the off-site remedy, as set forth in ROD III.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States, et al.*, v. *Rohm and Haas Company, et al.*, DOJ Ref. # 90–11–3–86.

The proposed consent decree may be examined at the office of the United States Attorney, 402 East State Street, Trenton, New Jersey; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $28.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94–7685 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* vs. *Rybachek*, Civil Action No. F86–059 Civil, was lodged on March 10, 1994 with the United States District Court for the District of Alaska. The complaint in this case alleged that defendants Stanley C. and Rosalie A. Rybachek discharged pollutants from their gold placer mine near Livengood, Alaska into Wilbur Creek without authorization in a valid permit issued under the National Pollutant Discharge Elimination System (NPDES).

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Rybachek*, DOJ Ref. #90–5–1–1–2574.

The proposed consent decree may be examined at the office of the United States Attorney, 222 W. Seventh Ave., Anchorage, Alaska; the Region 10 Office of the Environmental Protection Agency, 1200 Sixth Ave., Seattle, Washington; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $3.50, payable to the Consent Decree Library.

John C. Cruden, Chief,

Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94–7584 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the CERCLA Act

In accordance with Departmental policy, 28 CFR 50.7 notice is hereby

given that a proposed consent decree in *United States* v. *Sanders Lead Company, Inc.*, Civil Action No. 4:94–CV–30–HLM, was lodged on February 17, 1994 with the United States District Court for the Northern District of Georgia (Rome Division). The Consent Decree resolves claims under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607(a), for the implementation of a remedial action and the recovery of response costs incurred and to be incurred by the United States at the Cedartown Industries Superfund Site in Cedartown, Georgia (the Site).

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Sanders Lead Company, Inc.*, DOJ Ref. #90–11–3–1119.

The proposed consent decree may be examined at the office of the United States Attorney, 75 Spring Street, SW., Atlanta, Georgia 30335; the Region IV Office of the Environmental Protection Agency, 45 Courtland Street, NE., Atlanta, Georgia 30365; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $21.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94–7686 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

United States v. Airline Tariff Publishing Company, et al., Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia, in *United States* v. *Airline Tariff Publishing Company, et al.*, Civil Action No. 92–2854.

The Complaint in this case alleged that eight airline defendants, Alaska Airlines, Inc., American Airlines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and USAir, Inc., engaged in various combinations and conspiracies with other of the airline defendants and co-conspirators to increase fares, eliminate discounted fares and set far restrictions for tickets purchased for travel between cities in the United States. These combinations and conspiracies were reached and effectuated through the airline defendants' use of the computerized fare dissemination services of the defendant Airline Tariff Publishing Company ("ATP").

The Complaint also alleged that the airline defendants, ATP, and co-conspirators engaged in a combination and conspiracy to create, maintain, operate and participate in the ATP fare dissemination system. This fare dissemination system has been formulated and operated in a manner that unnecessarily facilitates coordinated interaction among the airline defendants and co-conspirators. On December 21, 1992, the United States, United and USAir filed a Stipulation in which they consented to the entry of a proposed Final Judgment providing the relief the United States seeks in the Complaint, and that Final Judgment (the "United/USAir Decree") was entered on November 1, 1993.

The proposed Final Judgment enjoins the remaining airline defendants, for a period of ten years, from entering into any agreements with any other airline to fix, establish, raise, stabilize, or maintain any fare or fare restriction. Further, the proposed Final Judgment enjoins the remaining airline defendants from engaging in certain practices, including those related to the dissemination of information regarding contemplated changes to fares and fare restrictions, and would prevent them from continuing or renewing the alleged conspiracies. The portions of the proposed Final Judgment that apply to the airline defendants are substantially similar to the Final Judgment entered in this case against United States and USAir on November 1, 1993. Other provisions of the proposed Final Judgment would prohibit ATP from disseminating certain information, such as first ticket dates, and would rectrict the manner in which ATP may disseminate certain other types of information, such as footnotes and tags.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Roger W. Fones, Chief, Transportation, Energy and Agriculture Section, Antitrust Division, Department of Justice, Room 9104, 555 Fourth Street NW., Washington, DC 20001, (telephone: 202–307–6351).

Constance K. Robinson,

Director of Operations Antitrust Division.

In the United States District Court for the District of Columbia

United States of America, Plaintiff, v. Airline Tariff Publishing Company, *et al.*, Defendants. Civil Action No.: 92–2854 (SSH)

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys that:

1. The Court has jurisdiction over the subject matter of this action and over each of the parties thereto, and venue of this action is proper in the District of Columbia;

2. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court;

3. In consenting to entry of this Final Judgment each Defendant has relied upon, as a material factor, plaintiff's representations and interpretations of the proposed Final Judgment set forth in a letter dated January 21, 1994 by Michael A. Doyle, counsel for American Airlines, and confirmed by Roger Fones, Antitrust Division, U.S. Department of Justice, and Plaintiff agrees that those representations and interpretations apply equally to each Defendant as if it were named in and a signatory to the letter;

4. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be no effect whatsoever, and the making of this Stipulation shall be without prejudice to any party in this or in any other proceeding; and

5. The parties to this Stipulation, by Consent Motion of this date, are moving the Court to enter an Order staying all further proceedings in this action as to the undersigned parties, except for those matters necessary to comply with the requirements of the Antitrust Procedures and Penalties Act described in paragraph 2 above.

This 17th day of March, 1994.

For plaintiff United States of America.
Mary Jean Moltenbrey,
Donna N. Kooperstein,
Michael D. Billiel,
Susan L. Edelheit,
Jill A. Ptacek,
Bradley S. Lui,
Attorneys, U.S. Department of Justice, Antitrust Division, 555 4th Street NW., Room 9104, Washington, DC 20001, (202) 307–6349.

For Defendant Airline Tariff Publishing Company.
Dow, Lohnes & Albertson,
By: Jonathan B. Hill, A Member of the Firm.
Jonathan B. Hill,
1225 Twenty-third Street NW., Washington, DC 20037, (202) 857–2725.

Mark Leddy,
Cleary, Gottlieb, Steen & Hamilton,
Rue de la Loi 23, Bte 5, 1040 Brussels, Belgium, 011–32–2–287–2000.

For Defendant American Airlines, Inc.
Alston & Bird,
By: Michael A. Doyle, A Member of the Firm.
Michael A. Doyle,
Michael P. Kenny,
1201 West Peachtree Street, Atlanta, Georgia 30309–3424, (404) 881–7000.

Irving Scher,
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767 Fifth Avenue, New York, New York 10153, (212) 310–8000.

Peter D. Isakoff,
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1615 L Street NW., Suite 700, Washington, DC 20036, (202) 682–7000.

For Defendant Delta Air Lines, Inc.
Bondurant, Mixson & Elmore
By: Emmet J. Bondurant, A Member of the Firm.
Emmet J. Bondurant, II,
Edward B. Krugman,
1201 W. Peachtree Street NW., Atlanta, Georgia 30309, (404) 881–4100.

James R. Weiss,
Preston Gates Ellis & Rouvelas Meeds,
Suite 500, 1735 New York Avenue NW., Washington, DC 20006–4759, (202) 628–1700.

For Defendant Northwest Airlines, Inc.
Crowell & Moring,
By: Wm. Randolph Smith, A Member of the Firm.
Donald L. Flexner,
Wm. Randolph Smith,
Megan R. Poldy,
1001 Pennsylvania Avenue NW., Washington, DC 20004, (202) 624–2500.

For Defendant Continental Airlines, Inc.
Crowell & Moring,
By: Wm. Randolph Smith, A Member of the Firm.
Donald L. Flexner,
Wm. Randolph Smith,
Megan R. Poldy,
1001 Pennsylvania Avenue NW., Washington, DC 20004, (202) 624–2500.

For Defendant Alaska Airlines, Inc.
Squire, Sanders & Dempsey,
By: James V. Dick, A Member of the Firm.
James V. Dick,
Marshall S. Sinick,
1201 Pennsylvania Avenue NW., Suite 500, Washington, DC 20004, (202) 626–6600.

For Defendant Trans World Airlines, Inc.
Jones day, Reavis & Pogue,
By: Thomas Demitrack, A Member of the Firm.
Thomas Demitrack,
North Point, 901 Lakeside Avenue, Cleveland, Ohio 44114, (216) 586–7141.

United States of America, Plaintiff, v. Airline Tariff Publishing Company, *et al.* Defendants. Civil Action: No. 92–2854 (SSH); Filed: March 17, 1994.

Final Judgment

Plaintiff, United States of America, filed its Complaint on December 21, 1992. Plaintiff and defendants, by their respective attorneys, have consented to the entry of the Final Judgment without trial or adjudication of any issue of fact or law. This Final Judgment shall not be evidence against or an admission by any party with respect to any issue of fact or law. Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties, it is hereby

Ordered, Adjudged, and Decreed, as follows:

I

Jurisdiction

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II

Definitions

As used herein, the term:

(A) *Airline* means any scheduled air passenger carrier as defined in 49 U.S.C. § 1301(3), its officers, directors, employees, agents, and any other persons acting on its behalf;

(B) *ATP* means the Airline Tariff Publishing Company;

(C) *Change* means abandon, add, alter, modify, discontinue, drip, exchange, replace, substitute, switch, or transform;

(D) *Coupon* means a coupon or similar voucher offering either a discount off existing fares or a special fare not otherwise available;

(E) *CRS* means computer reservation system;

(F) *Defendant airlines* means Alaska Airlines, Inc., American Airlines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., and Trans World Airlines, Inc.;

(G) *Defendants* means ATP, Alaska Airlines, Inc., American Airlines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., and Trans World Airlines, Inc.;

(H) *Document* means all "writings and recordings" as that phrase is defined in Rule 1001(1) of the Federal Rules of Evidence;

(I) *Fare* means the price charged for domestic U.S. passenger transportation by any airline, and any ticket dates, restrictions, rules, terms or conditions governing the availability or use of any such price, but does not include any contract or other negotiated price or any coupon;

(J) *Fare class* means a group of fares treated similarly for seat allocation purposes;

(K) *First ticket date* means the first date that a fare is available for sale;

(L) *Footnote* means the mechanism used by ATP to store and transmit first ticket dates, last ticket dates, and other limitations on the use of a fare;

(M) *Footnote designator* means an alphanumeric designator used to identify a footnote;

(N) *Including* means including but not limited to;

(O) *Last ticket date* means the last date that a fare is available for sale;

(P) *Matching city or airport pair* means a city or airport pair whose origin and destination points, respectively, are the same or within 100 miles of the origin and destination points, respectively, of the city or airport pair as to which the other airline's fare is applicable;

(Q) *New fare* means a fare that is different from an airline's existing fares in regard to price or any restrictions, rules, terms or conditions;

(R) *Person* means any natural person, corporation, firm, company, sole proprietorship, partnership, association, institution, governmental unit, or other legal entity;

(S) *Promotional fare* means a new fare that, in conjunction with its first being offered for sale, is advertised as being available for purchase for a specified and limited period of time;

(T) *Relate to* means discuss, refer to, reflect, evidence, concern, or pertain to, in whole or in part;

(U) *Sale fare* means a new fare that has a last ticket date at the time it is first offered for sale;

(V) *Tag* means a code used by an airline solely to identify a group of fares for similar processing by ATP; and

(W) *Travel date* means a date that limits when a passenger may travel on a fare.

III

Applicability

(A) This Final Judgment applies to the defendants and to each of their successors, assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment by personal service or otherwise.

(B) Nothing herein contained shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party and nothing herein shall be construed to provide any rights to any third party.

IV

Prohibited Conduct

(A) Each of the defendant airlines is enjoined and restrained from:

(1) Agreeing with any other airline to fix, establish, raise, stabilize, or maintain any fare;

(2) Disseminating any first ticket dates, last ticket dates, or any other information concerning the defendant's planned or contemplated fares or changes to fares;

(3) Making visible or disseminating its own tags or any other similar designating mechanism to any other airline;

(4) Making visible or disseminating to any other airline any fare that is intended solely to communicate a defendant's planned or contemplated fares or changes to fares;

(5) Making visible or disseminating two or more footnote designators that identify footnotes that contain identical information, or making visible or disseminating any footnote designator that identifies a footnote that contains no information; and

(6) Using fare codes that convey information other than fare class or terms and conditions of sale or travel.

(B) ATP is enjoined and restrained from:

(1) Disseminating or conveying any fare with a first ticket date;

(2) Making visible or disseminating an airline's tags or any other similar designating mechanism to any person other than that airline;

(3) Making visible or disseminating two or more footnote designators for any airline that identify footnotes that contain identical information, or making visible or disseminating any footnote designator that identifies a footnote that contains no information;

(4) Making visible or disseminating to any airline changes to any other airline's fares prior to disseminating or conveying such changes to the domestic CRSs; and

(5) After reasonable inquiry, knowingly making visible or disseminating any changes to fares more frequently than the number of times a day that at least one domestic CRS updates its fare data base with such changes to fares.

V

Limiting Conditions

(A) Nothing in this Final Judgment shall prohibit any defendant airline from submitting its fare changes to ATP for processing, or disseminating to CRSs or other reservations systems rules that do not contain or describe any first ticket date, last ticket date, or planned or contemplated fare level.

(B) Nothing in this Final Judgment shall prohibit any defendant airline from engaging in communications with another airline when such communications are reasonably necessary to establish, implement, or modify: (i) a joint, code share, commuter, or other interline fare with that airline; or (ii) an otherwise lawful transaction involving the provision of management services which may include pricing and yield management services.

(C) (1) Nothing in this Final Judgment shall prohibit any defendant airline from advertising that a promotional fare shall cease to be available for purchase on a specified date or after a specified period of time, or that a last ticket date on a fare shall be extended to a later date, and in conjunction therewith otherwise disseminating such information, provided that such advertising occurs (i) in media of general circulation or through mass mailings, and (ii) in a manner designed to directly reach a meaningful number of potential consumers likely to purchase such fare, provided further that, where a group of fares is being so advertised, it shall be sufficient to provide a general description of included city or airport pairs and fare levels without specifically identifying each city or airport pair and fare level.

(2) After any defendant airline, United Air Lines, Inc. of USAir, Inc. has disseminated a fare with a last ticket date or extended a last ticket date, or any non-defendant airline has disseminated a sale fare or extended the last ticket date on a sale fare, in any city or airport pair, nothing in Section IV(A)(1)–(3) and (5)–(6) of this Final Judgment shall prohibit a defendant airline from promptly thereafter, in matching city or airport pairs, (i) disseminating a new fare with the same price, restrictions, and last ticket date as that airline's fare, or (ii) extending to the same date, the last ticket date on a fare with the same price and restrictions as that airline's fare, provided that no defendant airline shall extend the last ticket date on any fare more than one time pursuant to Section V(C)(2).

(3) The dissemination of a last ticket date in accordance with Section V(C), in and of itself, does not constitute a violation of this Final Judgment.

(D) Nothing in this Final Judgment shall prohibit any defendant airline from disseminating public statements regarding contemplated changes in fares, provided such statements describe neither effective dates nor the particular amounts or rules relating to particular city or airport pairs or sets of city or airport pairs.

(E) Nothing in this Final Judgment shall prohibit any defendant from advocating or discussing, in accordance with the doctrine established in *Eastern Railroad Presidents Conference* v. *Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961), and its progeny, legislative, judicial or regulatory actions, or governmental policies or actions.

(F) The dissemination of travel dates, in and of itself, does not constitute a violation of this Final Judgment.

(G) Nothing in this Final Judgment shall be construed to prohibit any defendant airline, in unilaterally determining its own fares, from considering all publicly available information relating to the fares of other airlines.

(H) Regardless of what fares any airline offers in any city or airport pair, offering any fare in the same or any other city or airport pair, in and of itself, does not constitute a violation of this Final Judgment.

VI

Compliance Program

(A) Each defendant is ordered to maintain an antitrust compliance program which shall include designating, within 30 days of entry of this Final Judgment, an Antitrust Compliance Officer with responsibility for accomplishing the antitrust compliance program and with the purpose of achieving compliance with this Final Judgment. The Antitrust Compliance Officer shall, on a continuing basis, supervise the review of the current and proposed activities of his or her defendant company to ensure that it complies with this Final Judgment.

(B) The Antitrust Compliance Officer for a defendant airline shall be responsible for accomplishing the following activities:

(1) Distributing, within 60 days from the entry of this Final Judgment, a copy of this Final Judgment to all officers and employees who have any responsibility for approving, disapproving, analyzing, monitoring, studying, recommending, or implementing any fares, or disseminating any fares to ATP, CRSs or any airlines;

(2) Distributing in a timely manner a copy of this Final Judgment to any officer or employee who succeeds to a position described in Section VI(B)(1);

(3) Briefing annually those persons designated in Section VI(B)(1) on the meaning and requirements of this Final Judgment and the antitrust laws and advising them that the defendant's legal advisors are available to confer with them regarding compliance with the Final Judgment and the antitrust laws;

(4) Obtaining from each officer or employee designated in Section VI(B)(1) an annual written certification that he or she: (1) Has read, understands, and agrees to abide by the terms of this Final Judgment; and (2) has been advised and understands that his or her failure to comply with this Final Judgment may result in conviction for criminal contempt of court; and

(5) Maintaining a record of recipients to whom the Final Judgment has been distributed and from whom the certification in Section VI(B)(4) has been obtained.

(C) The Antitrust Compliance Officer for ATP shall be responsible for accomplishing the following activities:

(1) Distributing, within 60 days from the entry of this Final Judgment, a copy of this Final Judgment to all officers of ATP;

(2) Distributing in a timely manner a copy of this Final Judgment to any person who succeeds an officer;

(3) Briefing annually all officers on the meaning and requirements of this Final Judgment and the antitrust laws and advising them that the defendant's legal advisors are available to confer with them regarding compliance with the Final Judgment and the antitrust laws;

(4) Obtaining from each officer an annual written certification that he or she: (1) has read, understands, and agrees to abide by the terms of this Final Judgment; and (2) has been advised and understands that his or her failure to comply with this Final Judgment may result in conviction for criminal contempt of court; and

(5) Maintaining a record of recipients to whom the Final Judgment has been distributed and from whom the certification in Section VI(C)(4) has been obtained.

(D) At any time, if a defendant's Antitrust Compliance Officer learns of any past or future violations of Section IV of this Final Judgment, that defendant shall, within 45 days after such knowledge is obtained, take appropriate action to terminate or modify the activity so as to comply with this Final Judgment.

(E) For each last ticket date a defendant airline disseminates through ATP or a CRS pursuant to Section V(C), that defendant airline (1) shall retain a record of the dates that such last ticket date was disseminated in the system and the specific fares and city or airport pairs to which the last ticket date was attached, and (2) shall retain either (a) a representative copy or transcript of its advertisement that was used in conjunction with any such last ticket date and a record of the use of any such advertising or (b) a representative record of the fare to which the defendant was responding. Such records and representative copies or transcripts shall be maintained in a manner that facilitates prompt retrieval and review of the documentation required by this section. These documents shall be retained for a period of three years from the first date any such advertising appeared or the first date any such last ticket date appeared in ATP or a CRS.

VII

Certification

(A) Within 75 days after the entry of this Final Judgment, each defendant shall certify to the plaintiff whether it has designated an Antitrust Compliance Officer and has distributed the Final Judgment in accordance with Section VI above.

(B) For 10 years after the entry of this Final Judgment, on or before its anniversary date, each defendant shall file with the plaintiff a statement as to the fact and manner of its compliance with the provisions of Section VI.

VIII

Plaintiff Access

(A) To determine or secure compliance with this Final Judgment and for no other purpose, duly authorized representatives of the plaintiff shall, upon written request of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during such defendant's office hours to inspect and copy all documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees or agents of such defendant, who may have counsel present, regarding such matters.

(B) Upon the written request of the Assistant Attorney General in charge of the Antitrust Division made to any defendant's principal office, such defendant shall submit such written reports, under oath if requested, relating to any matters contained in this Final Judgment as may be reasonably requested, subject to any legally recognized privilege.

(C) No information or documents obtained by the means provided in Section VIII shall be divulged by the plaintiff to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(D) If at the time information or documents are furnished by any defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

IX

Further Elements of the Final Judgment

(A) This Final Judgment shall expire ten years from the date of its entry.

(B) Section IV(B) of this Final Judgment shall become effective three months from the date of entry of this Final Judgment.

(C) If, subsequent to the entry of this Final Judgment, it or a previously entered stipulated final judgment in this matter is modified in any respect, any defendant, in its sole discretion, may move this Court, and the Court shall grant such a motion, to substitute such

modified stipulated final judgment for this Final Judgment.

(D) Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify or terminate any of its provisions, to enforce compliance, and to punish violations of its provisions.

(E) Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

United States of America, Plaintiff, v. Airline Tariff Publishing Company; et al., Defendants. Civil Action No. 92–2854 (SSH)

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry with the consent of Airline Tariff Publishing Company, Alaska Airlines, Inc., American Airlines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., and Trans World Airlines Inc. in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On December 21, 1992, the United States filed a civil antitrust complaint alleging that Alaska Airlines, American Airlines, Continental Airlines, Delta Air Lines, Northwest Airlines, Trans World Airlines, United Air Lines, and USAir ("airline defendants"), Airline Tariff Publishing Company ("ATP") and co-conspirators conspired unreasonably to restrain competition among themselves in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint alleges two causes of action.

The first cause of action alleged in the Complaint is that, from at least as early as April 1988 and continuing through at least May 1990, each of the airline defendants and co-conspirators engaged in various combinations and conspiracies with other airline defendants and co-conspirators. These consisted of agreements, understandings, and concerted actions to fix prices by increasing fares, eliminating discount fares, and setting fare restrictions for tickets purchased for travel between cities in the United States. These agreements, understandings, and concerted actions were reached and effectuated through the airline defendants' use of the computerized fare dissemination services of ATP to: (1) Exchange proposals and negotiate fare changes; (2) trade fare changes in certain markets in exchange for fare changes in other markets; and (3) exchange mutual assurances concerning the level, scope, and timing of fare changes. The Complaint seeks relief that will prevent the airline defendants from continuing or renewing the alleged conspiracies, or engaging in any other conspiracy having a similar purpose or effect.

The second cause of action alleged in the Complaint is that from at least as early as April 1988 and continuing through to the date of the Complaint, the airline defendants, ATP, and co-conspirators engaged in a combination and conspiracy, consisting of an agreement, understanding, and concert of action to create, maintain, operate, and participate in the ATP fare dissemination system. This fare dissemination system has been formulated and operated in a manner that unnecessarily facilitates coordinated interaction among the airline defendants and co-conspirators, enabling them to: (1) Communicate more effectively with each other to increase fares, change fare restrictions, and eliminate discounts; (2) show links between proposed fare changes in different city-pair markets; (3) monitor each other's proposals on fare changes; and (4) lessen uncertainty concerning each other's pricing intentions. As a result, coordinated interaction among the airline defendants and co-conspirators has been more frequent, successful, and complete, and consumers have been deprived of the benefits of free and open competition in the sale of air passenger transportation services. The Complaint seeks to enjoin the airline defendants from using ATP to restrain competition by prohibiting the dissemination of certain information.

On December 21, 1992, the United States, United and USAir filed a Stipulation in which they consented to the entry of a proposed Final Judgment providing, with respect to United and USAir, all of the relief the United States seeks in the Complaint. After reviewing the proposed Final Judgment pursuant to the Antitrust Procedures and Penalties Act (the "Tunney Act"), the Court concluded that the Judgment was in the public interest within the meaning of the Tunney Act, and it became final with respect to United and USAir on November 1, 1993.

On March 17, 1994, the United States, ATP, Alaska Airlines, American Airlines, Continental Airlines, Delta Air Lines, Northwest Airlines, and Trans World Airlines filed with the Court a Stipulation consenting to the entry of a new proposed Final Judgment with respect to the remaining defendants following compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), unless the United States withdraws its consent. The proposed Final Judgment is substantially identical to the Final Judgment entered against United and USAir (the "United/USAir decree") with the following exceptions. Section V(B) clarifies that the proposed Final Judgment does not prohibit an airline defendant from selling management services to another airline. Section V(C) permits the airline defendants to disseminate last ticket dates through ATP in some specified circumstances where the United/USAir decree prohibits the use of last ticket dates. The record keeping provisions in Section VI(E) has been changed to reflect the changes to Section V(C). Finally, the proposed Final Judgment provides the relief the United States is seeking against defendant ATP.

Entry of the proposed Final Judgment will terminate this action against all remaining defendants, except that the Court will retain jurisdiction over the matter for further proceedings that may be required to interpret, enforce, or modify the Final Judgment, or to punish violations of any of its provisions.

II

Description of the Practices Involved in the Alleged Violations

A. Industry Background

The domestic passenger airline industry generates annual sales in the tens of billions of dollars. Each of the airline defendants is a significant competitor, providing scheduled nonstop, one-stop, and multi-stop domestic air passenger services between a large number of origin and destination cities (city pairs).

Through hub and spoke route systems, the airlines are able to consolidate passengers from many points at a single location (the hub) and then transport them, along with passengers originating at the hub, to a common destination. These competing hub and spoke networks overlap one another but are not identical. All airlines do not serve all city pairs, and the type of service offered by airlines on the same city pair may vary (nonstop versus one or more stops). The times and frequencies of service offered also may vary considerably among airlines. These service variations, as well as differences in passenger mixes and cost structures, often result in some airlines

serving a particular city-pair market preferring to charge lower prices than others.

For each of the thousands of city pairs served by each airline, numerous fares are offered to customers. Many of these fares carry restrictions that are designed to segment the market for air travel into groups with varying sensitivities to price and time of travel. For example, lower fares designed to attract only leisure travelers may require advance purchase and a Saturday night stay.

Airlines constantly alter fares in response to changes in costs, both industrywide and airline-specific, and to changes in consumer demand, both for travel generally and travel on particular city pairs. Moreover, the availability to consumers of a seat on a particular flight at a particular fare is controlled by each airline's continuous adjustment, based upon projected and actual demand, of the inventory of seats available at that fare.

ATP is the central source for the collection, organization, and dissemination of fare information for virtually every domestic airline. (ATP does not receive seat inventory or allocation information.) Each of the airline defendants owns and participates in the ATP fare dissemination system through which information is exchanged about fares. ATP also provides this information to computer reservation systems ("CRSs") and other subscribers.

Each airline supplies ATP with basic information about its fares. This information includes fare codes (which indicate the names of the fares—*e.g.*, "F" is first class; "Y" is full coach), fare amounts, rules, and routings. Rules contain restrictions that limit or condition the use of the fare, including advance purchase requirements and penalties for itinerary changes. Routings are used to limit fares to travelers using a particular itinerary, for example, connecting flights over a particular hub.

An airline also can attach up to two footnotes to any fare in the ATP data base. Footnotes are identified by alphanumeric codes ("footnote designators"), such as "A" or "32." Footnotes are used by airlines to identify, among other things, first or last ticket dates or travel dates.

A first ticket date indicates a future date at which a fare is supposed to become available for purchase by consumers. A last ticket date indicates a future date at which a current fare is supposed to end. The airlines have no obligation to offer fares on their first ticket dates or remove them on their last ticket dates. In fact, the airlines often change first and last ticket dates to an earlier or later date than originally announced, or increase or withdraw fares without regard to their first or last ticket dates.

The travel dates contained in footnotes indicate when a consumer can travel using a particular fare. A first travel date indicates the first date upon which travel on a particular fare may commence. A last travel date indicates the last date upon which travel may commence.

At least once every workday, the airlines submit their "fare changes" to ATP. Some of these change the restrictions on, or level of fares currently being sold to consumers; many others simply change the footnotes—adding, postponing or withdrawing ticket dates or switching designators.

ATP processes the fare changes and disseminates them to the airline defendants and other ATP subscribers, including CRSs. The airline defendants, either directly or by contract with third parties, massage this data with sophisticated computer programs to produce detailed daily reports. These reports sort and display information on all markets in a variety of ways so that the airline defendants, using ticket dates and footnote designators, can identify and track their competitors' proposed changes to fares, discerning any interrelationships the airlines establish among the proposed fare changes and assessing their competitors' intentions to implement the changes.

By contrast, the CRSs use the ATP fare changes to update their fare data bases, and travel agents in turn use the CRSs to make reservations and price tickets on fares currently available for sale. Travel agents using the CRSs cannot sort and analyze the fare change data as the airlines do. The CRSs display fare information only one market at a time, most often for a specific flight on a given day and do not display any airline's footnote designators. Thus, the travel agents have neither the incentive nor ability to re-sort or otherwise piece together the information to find patterns or interrelationships among proposed changes to fares or to predict whether or when the airlines will implement their proposed changes.

B. Illegal Agreements To Fix Prices by Increasing Fares, Eliminating Discount Fares, and Setting Fare Restrictions in Various City-Pair Markets

The first cause of action alleges that, beginning as early as April 1988 and continuing through at least May 1990, the airline defendants used the ATP fare dissemination system to enter into a series of agreements to fix prices by increasing fares, eliminating discount fares, and increasing fare restrictions in various city pairs. Such agreements are *per se* illegal under Section One of the Sherman Act.

The ATP fare dissemination system provided a forum for the airline defendants to communicate about their prices. Using, among other things, first and last ticket dates and footnote designators, they exchanged clear and concise messages setting forth the fares each wanted the others to charge, and identifying fares each wanted the others to eliminate. Through this electronic dialogue, they conducted negotiations, offered explanations, traded concessions with one another, took actions against their independent self-interests, punished recalcitrant airlines that discounted fares, and exchanged commitments and assurances—all to the end of reaching agreements to increase fares, eliminate discounts, and set fare restrictions.

The government identified over fifty agreements among the airline defendants and their co-conspirators. These agreements increased fares in hundreds of city pairs from heavily travelled business markets such as New York—Chicago to smaller leisure travel markets such as Klamath Falls, Oregon—Tampa, Florida.

There were two types of price fixing agreements. In the first type of agreement, the airline defendants used ATP to reach agreements to increase fares. Typically, one airline began the process by filing its proposed higher fares in particular markets with a first ticket date in the future. In this way, it told other airlines when, where and how much it wanted fares to increase. Other airlines responded to such a proposal in different ways. If an airline wanted that increase, it conveyed its agreement by filing the same proposed increase in the same city pairs with the same first ticket date. If an airline wanted a different increase, it made a counterproposal, filing fares with first ticket dates in the future to communicate which fares it wanted to increase, by how much and in what city pairs. To facilitate negotiations, an airline typically used a common footnote designator on the fares included in its proposal, such as all leisure fares or all fares in certain city pairs. This highlighted for the other airlines which fares it wanted bundled together to receive common treatment.

Often, the airlines exchanged proposals over several weeks, with the first ticket dates repeatedly postponed ("rolled") in order to allow more time for negotiation. At times they took steps

to secure the agreement of recalcitrant airlines. Where a dissenting airline wanted a smaller or no increase, the others signaled their displeasure by filing reduced fares in city-pair markets important to that airline and offering to remove those fares if the dissenter agreed to the proposed increase. Where a dissenting airline wanted to increase fewer fares or fares in fewer city pairs, the others refused to increase any fares unless the dissenter agreed to the broader proposed increase. The negotiation process continued until all significant airlines were lined up with the same proposed fare increase and the same first ticket date, thus providing each other with commitments and assurances as to the amount, scope, and timing of the proposed fare increase. On that first ticket date, the fares for all the airlines increased. As a Continental employee explained, "When using ticketing dates to file an increase—the actual new levels can be delayed again and again until we have the full cooperation of all participating . . . carriers." [1]

These agreements have had a substantial effect on consumers. Consider only one out of the many agreements identified by the government and only 29 out of the 400 markets affected by that agreement. An economic expert estimated that in those 29 markets alone, because of that one agreement alone, consumers paid at least 11 million dollars more for air transportation than they would have paid in the absence of the agreement.[2]

In the second type of agreement, the airline defendants used ATP to reach agreements to eliminate discount fares offered to consumers. They conveyed their proposals and commitments to end certain widely-available discounts on a given date with last ticket dates and footnote designators, much as they had used first ticket dates and footnote designators to convey their increase proposals and commitments. Additionally, they targeted particular discounts offered by one or a few competitors and solicited agreements to eliminate these fares. In these cases, the soliciting airline would punish the disruptive airline by filing similar discounts in the city pairs where the disruptive airline preferred higher fares. The soliciting airline would use fare basis codes, last ticket dates and footnote designators to communicate to the disruptive competitor, and other interested airlines, the limited reason (punishment) for the soliciting airline's discount and its willingness to eliminate the discount in exchange for the competitor eliminating the original discount.

An agreement identified by the government illustrates this conduct. In April 1989, American offered certain discount fares between its hubs in Dallas and Chicago on a few select flights on that route each day. Delta observed American's fares but decided to offer the discount fares on all of its flights between Dallas and Chicago because demand for tickets on all of those flights was low. American then took a number of actions to convey its proposal to Delta that the discounts be limited to only a few flights. First, American matched Delta's action by filing the discount fares on all of its flights in Dallas-Chicago, but it added a last ticket date to those fares of only a few days away, communicating that it did not want the fares to continue on all flights. American also refiled the discounts restricted to two flights, with a first ticket date in the future, thereby telling Delta that American wanted the availability of the discounts limited. At the same time, American filed fares between Dallas and Atlanta, two of Delta's hubs, using the same fare levels, footnote designator and last ticket date that it used on the fares in Dallas-Chicago. American thus linked the fares in the two city pairs, and communicated to Delta its offer to withdraw the fares in Dallas-Atlanta if, and only if, Delta restricted the availability of its fares in Dallas-Chicago.

A Delta pricing employee, observing the same dollar amounts and footnotes on American's fares in the two city pairs, noted that American's fares in Dallas-Atlanta were an "obvious retaliation" for Delta's fares in Dallas-Chicago.[3] Delta immediately accepted American's offer by withdrawing its discount fares in Dallas-Chicago and filing discount fares that were restricted to two specific flights. American then withdrew the discounts from Dallas-Atlanta, even before their last ticket date, demonstrating that the last ticket date American had placed on the fares was intended to send a message to Delta, not to consumers. The agreement between American and Delta raised the price of a roundtrip ticket between Dallas and Chicago by as much as $138 for many travellers.

C. Illegal Agreement To Operate a Fare Dissemination System That Unreasonably Facilitates Fare Coordination

The second cause of action is based on the airline defendants' joint ownership and participation in ATP, beginning as early as April 1988 and continuing until the date of the Complaint. The core of the second cause of action is that the airline defendants agreed to exchange fare information with one another through ATP in a manner that unnecessarily and unreasonably allowed them to coordinate fares. The Complaint challenged these activities as illegal under a Sherman Act Section 1 "rule of reason" analysis.

ATP provides the airlines with a number of communication devices that allow them to coordinate better on fares. These communication devices, primarily first ticket dates, last ticket dates, and footnote designators, enabled the airline defendants on many occasions to reach overt price-fixing agreements of the type described in the first cause of action. These same devices also facilitate pervasive coordination of airline fares short of price fixing—coordination that would not occur simply by virtue of the structure of the airline industry.

1. ATP Communication Devices Facilitate Successful Coordination. The likelihood of successful coordination among horizontal competitors is substantially enhanced when firms are able to identify mutually beneficial terms of coordination, detect deviations (or "cheating") from the coordinated outcome, and punish or credibly threaten to punish those deviations (that is, make the deviation less profitable than adhering to the coordinated price). Because of the structure and nature of the airline industry, some coordination among the airlines on fares is inevitable. As currently operated, however, ATP enables the airlines to coordinate more frequently and more successfully than they otherwise would.

First, the ATP communication devices facilitate the identification of mutually beneficial terms for coordination. While certain characteristics of the airline industry make it easier for airlines to identify mutually beneficial terms for coordination—the small number of airlines in many city-pair markets and the necessarily wide dissemination of current fares—other inherent characteristics make the identification of mutually beneficial terms more difficult. There are a vast number of

[1] H020641, attached as Exhibit 8 to the United States' Response to Questions in Appendix A of the Court's Order dated May 24, 1993, filed June 28, 1993.

[2] Declaration of Jonathan B. Baker, attached as Exhibit 1 to the United States' Response to Questions in Appendix A of the Court's Order dated May 24, 1993, filed June 28, 1993.

[3] DL II 38405, attached as Exhibit 13 to the United States' Response to Questions in Appendix A of the Court's Order dated May 24, 1993, filed June 28, 1993.

city-pair markets, and frequent fare changes. In addition, the airlines serving a city-pair market often have quite different prices that they prefer to charge.

ATP helps the airlines to overcome these impediments. By filing fares with first ticket dates in the future and linking the fares with a common footnote designator, the airlines can float proposals to increase fares, see how their competitors react to the proposals, consider alternative proposals, and identify a mutually acceptable fare increase—all without the risk of losing sales during the process to a competitor with lower fares. Similarly, by placing a last ticket date on discount fares and linking the fares with a common footnote designator, airlines can communicate their desire to eliminate those fares and determine their competitors' willingness to do likewise. The airlines thus can develop at virtually no cost a consensus on whether and when fares should increase or discounts should end, and they can increase fares or remove discounts with greater certainty of their competitors' likely actions.

ATP also enables the airlines to work out any differences they have on what price to charge. By using first and last ticket dates and footnote designators to link markets, the airlines can make complex deals, trading price increases desired by some airlines for price increases desired by others in different markets. Often such trades reflect the different hubs involved. Each airline tends to prefer higher fares on routes to or from its hub cities, where it tends to have high market shares and generates the highest profits. An airline thus may make a trade: it will charge higher fares than it would otherwise charge on other airlines' hub routes in return for the other airlines charging the higher fares that it desires on its own hub routes.

Second, ATP makes coordination more likely by making it more effective and less costly to punish deviations. When coordinated prices are above the competitive level, an airline will have an incentive to deviate from the coordinated price, that is, to lower its price. The greater the incentive to deviate, the less likely it is that firms will attempt to coordinate prices in the first place, and the less effective will be any coordination. However, if deviations from coordinated fare levels can be detected quickly and made unprofitable ("punished") by other airlines, effective coordination becomes more likely.

The necessarily broad dissemination of fares and fare availability means that airlines can quickly detect any competitor's fare changes. However, the number of markets and frequency of fare changes make it difficult to determine whether a fare change is a punishing action—one that is intended to discipline a competitor for cheating—or a fare change that is itself a deviation from a coordinated fare level. ATP enables an airline to use ticket dates and footnote designators to label the fare changes that it intends as punishment. Through ATP, an airline can communicate to a competitor that the reason it is cutting fares in markets important to the competitor is to punish the competitor for taking some fare action—for example, cutting fares in another market or refusing to increase fares. By clearly identifying the purpose of its actions, the airline decreases the risk that other airlines will misinterpret the fare change as a deviation that itself should be punished, and increases the likelihood that the "cheating" airline will receive the intended message and return to the coordinated fare or agree to a proposed increase.

Thus, without the ATP communication devices (or some substitute), each airline is more likely to act independently, charging low prices in certain city pairs, such as those in which it is the low cost carrier, or matching low prices in other markets where it would have preferred a higher price. With the ATP communication devices, the airlines can coordinate and achieve fare levels above those that otherwise would have prevailed.

2. ATP Communication Devices Provide Little or No Benefit to Consumers. While first and last ticket dates and footnote designators are of immeasurable value to the airlines in facilitating pricing coordination, they provide little benefit to consumers. Ticketing dates have neither the purpose nor effect of protecting consumers from unanticipated fare changes. None of the airline defendants has a policy or consistent practice with respect to the number of days in advance of a fare change it places a last ticket date (or corresponding first ticket date) on fares. Whether an airline defendant places a last ticket date on a fare two weeks in advance, one week in advance, one day in advance, does not use a last ticket date at all before increasing fares, or increases fares before the last ticket date arrives, depends not on the amount of time necessary to ensure that consumers are protected from unexpected increases, but on how much (or how little) time is necessary to reach agreement or coordinate with its competitors.

Because the airlines change the ticket dates frequently as they react to each other's messages, ticket dates are extremely unreliable and misleading. On average, ticketing dates are inaccurate 54 percent of the time. Moreover, when ticket dates are inaccurate, they tend to be very inaccurate: 28 percent of the time, a fare continues to be available for fifteen or more days after its last ticket date, and 13 percent of the time, a fare is withdrawn prior to its last ticket date. Thus, consumers cannot rely on the presence or absence of a last ticket date on a fare as assurance that the fare will be available for a certain period of time—the airlines are more likely either to continue offering the fare or to withdraw the fare without prior notice than to actually make the proposed fare change on the posted date. With little reason to rely on the accuracy of ticket dates, consumers are harmed far more by the coordinated pricing that ticket dates facilitate than they are benefited by the information those dates contain.

III

Explanation of the Proposed Final Judgment

The proposed Final Judgment is intended to ensure that the airline defendants do not continue to use the ATP fare dissemination system or any similar mechanism in a manner that unnecessarily facilitates fare coordination or that enables them to reach specific price-fixing agreements. It prohibits the airline defendants from disseminating first ticket dates or using designating mechanisms, and substantially restricts their use of last ticket dates. The proposed Final Judgment also prohibits other conduct that would allow the airline defendants to communicate without market risk their pricing intentions or signal competitors that fare actions in different markets are linked. The proposed Final Judgment does not prevent the airline defendants from disseminating their currently available fares through ATP to CRSs for consumer booking and ticketing, from advertising current fare information to consumers, or from offering for sale fares for which travel can only begin in the future, for example, offering fares in the summer that apply to winter travel to Florida. Neither does it regulate the independent pricing decisions of an airline, whether or not those prices are a response to or evoke a response from other airlines.

A. Prohibited Airline Defendants Conduct

Section IV(A) of the proposed Final Judgment contains six categories of prohibited conduct. Certain exceptions

to these prohibitions are contained in the limiting conditions in Section V. Section IV(A) is identical to Section IV of the United/USAir decree.

Section IV(A)(1) contains general prohibitions on agreement between airlines "to fix, establish, raise, stabilize, or maintain any fare." This provision prohibits the airline defendants from any further price fixing whether by the means alleged in the Complaint or by other means violative of the Sherman Act.

Section IV(A)(2) contains one of the key provisions of the proposed Final Judgment. It prohibits the airline defendants from "disseminating any first ticket dates, last ticket dates, or any other information concerning the defendant airline's planned or contemplated fares for changes to fares." This provision bars, with limited exceptions discussed below, the airline defendants' use of first and last ticket dates, as well as any alternative means of communicating their future pricing intentions. For example, it prevents the airline defendants from, with any precision, negotiating fare increases through press releases. Similarly, it prevents the airline defendants from beginning to use travel dates to coordinate fare changes rather than to communicate meaningful information to consumers on the relevant travel periods for particular fares. This provision will eliminate the extensive and costless negotiation over the amount, scope and timing of fare changes, thus making coordination or agreement on fares far more difficult.

The ban on the airline defendants' use of first ticket dates is absolute. All of the airline defendants' fares, whether in ATP, a CRS or elsewhere, must be currently available for sale to consumers.

The airline defendants may continue to use last ticket dates, but only in very limited circumstances. Section V(C) permits the airline defendants, through advertising in media of general circulation or through mass mailings, and in a manner designed to directly reach a meaningful number of likely potential consumers. to state that a promotional fare will end on a particular date or that a last ticket date on a sale fare has been extended to a later date. Once an airline defendant has informed consumers through the required advertising, it may then disseminate the fare's last ticket date in a CRS and elsewhere.

After an airline defendant has disseminated a fare with a last ticket date, or a non-defendant airline has disseminated a sale fare with a last ticket date or extended the last ticket date on a sale fare, an airline defendant may, without advertising, disseminate a new fare with the same price, restrictions and last ticket date as the other airline's fare. Additionally, an airline defendant may extend one time, without advertising, the last ticket date on that sale fare to the same last ticket date as another airline's sale fare that has the same price and restrictions. In either case, a defendant airline's fare must be applicable in the same city or airport pair as the other airline's fare or in a city or airport pair with origin and destination, respectively, within 100 miles of the origin and destination of the city or airport pair of the other airline's fare.

Section V(C) of the proposed Final Judgment allows the airline defendants to use last ticket dates in a few narrow circumstances where the United/USAir decree does not. For instance, if a non-defendant introduces a sale fare, Section V(C) allows an airline defendant to match that sale fare with the same last ticket date. However, Section V(C) of the proposed Final Judgment contains an additional safeguard. In disseminating any unadvertised fares with last ticket dates, whether they match a defendant or non-defendant, the airline defendants remain subject to the proposed Final Judgment's prohibition against using fares solely to communicate pricing intentions.

The restrictions in Section IV(A)(2) and V(C) on the dissemination of last ticket dates lessen the likelihood that last ticket dates will be used by the airline defendants to coordinate fare changes. The requirements that the fares be new fares and that the last ticket dates be disseminated at the time the fares are first offered for sale, together with the limitations on extensions of the ticket dates, will make it difficult for the airline defendants to use last ticket dates to negotiate the elimination of discounts or to facilitate trades across markets. Also, the requirement that certain fares with last ticket dates be advertised will help ensure that the airline defendants use the dates to inform consumers of the ending dates of sales, rather than to communicate with competitors.

The restrictions in Section V(C) apply only when an airline defendant chooses to use a last ticket date. The airline defendants remain free to advertise and market their services and fares in any other manner they choose, including any marketing or advertising that a fare will be available only for a short period of time.

Section V(D) provides another limited exception to the prohibition on disseminating information relating to planned or contemplated fair changes. It will allow the airline defendants to continue to give consumers general information on impending fare changes. For example, airlines may make general public statements that because of increases in costs they expect fares to increase, or may advertise that certain low fares are available for a limited time only. Because the information is general, it is unlikely that the airline defendants could use it to coordinate fares.

Section IV(A)(3) prohibits the airline defendants from "making visible or disseminating its own tags or any other similar designating mechanism to any other airline." This provision prohibits the airline defendants from using any other device to link markets and coordinate fare changes in the way that they currently use footnote designators. It would, for example, prevent the airline defendants from attaching arbitrary but unique travel complete dates to fares in different markets in order to communicate a connection or link between those fares.

Section IV(A)(4) prohibits the airline defendants from "making visible or disseminating to any other airline any fair that is intended solely to communicate a defendant airline's planned or contemplated fare or contemplated changes to fares." This provision would proscribe fares that, although technically currently available for sale, will not, as a practical matter, be considered by consumers and that have no other legitimate purpose. For example, Section IV(A)(4) would preclude an airline defendant from communicating its intention to increase fares by filing fares that are higher but otherwise identical to existing fares, and they awaiting for other airlines to file identical higher fares before withdrawing its lower fares. Because no rational consumer would purchase the higher fares as long as the lower fares were available, the higher fares would be "intended solely to communicate" an airline defendant's contemplated changes to fares.

Section IV(A)(5) prohibits the airline defendants from "disseminating two or more footnote designators that identify footnotes that contain identical information." This provision will prevent the airline defendants from continuing to use multiple footnotes, each with different designators, that contain the same ticketing and travel date information. In addition, Section IV(A)(5) prohibits the airline defendants from disseminating any footnote designator that identifies an "empty" footnote, that is, one that has no travel dates, last ticket date or other

information. In both cases, the footnote designator serves no purpose other than to communicate connections between fares or to call competitors' attention to particular fares.

Section IV(A)(6) prohibits the airline defendants from "using fare codes that convey information other than fare class or terms and conditions of sale or travel." Certain standard fare codes are used throughout the industry to identify the class as well as the restrictions associated with a fare, such as advance purchase requirements. This provision is intended to prevent the airline defendants from using codes not related to either the fare class or the terms and conditions of sale or travel to send messages and link markets. For example, Section IV(A)(6) prevents an airline defendant from sending a message to another airline by placing letters that identify that airline in the airline defendant's fare code.

B. Prohibited ATP Conduct

Section IV(B)(1) prohibits ATP from disseminating or conveying fares with first ticket dates. This provision parallels the prohibition in Section IV(A)(2) against the airline defendants' dissemination of first ticket dates. Section IV(B)(1) will ensure that ATP is not used for extensive and costless negotiations of fare increases through fares not available for actual sale. Section IV(B)(1) does not prohibit ATP from disseminating last ticket dates because the airline defendants will continue to be able to disseminate last ticket dates in certain limited circumstances.

Section IV(B)(2) prohibits ATP from disseminating any airlines' tags or similar designating mechanism to any other airline. This provision, which parallels a prohibition on the airlines (Section IV(A)(3)), prevents ATP from replacing footnote designators with any new mechanism by which airlines can communicate links or ties between fares. Section IV(B)(3), which also parallels a prohibition on the airlines (Section IV(A)(5)), limits the type of footnote designator information that ATP may disseminate. This provision is intended to prevent ATP from disseminating footnote designators that have been designed to facilitate fare coordination by the airline defendants.

Section IV(B)(4) prohibits ATP from "making visible or disseminating to any airline changes to any other airline's fares prior to disseminating or conveying such changes to the domestic CRSs." This provision will bar ATP from disseminating fare changes to airlines before such fare changes can be made available to the general public through CRSs. Section IV(B)(5) prohibits ATP from "making visible or disseminating any changes to fares more frequently than the number of times a day that at least one domestic CRS updates its fare data base with such changes to fares." This provision ensures that ATP does not disseminate fare changes to the airlines more frequently than such changes are actually made available to the general public through CRSs. In tandem, Sections IV(B) (4) and (5) prevent ATP from facilitating a completely private exchange of information among the airline defendants and thereby enabling them to negotiate fare changes, as they do currently, through the use of fares that are not available for sale to the public through CRSs.

C. Compliance Program and Certification

In addition to the prohibitions contained in Sections IV and V, each defendant would be obligated to implement an antitrust compliance program. This program would require each defendant to designate an Antitrust Compliance Officer within 30 days of entry of the Final Judgment. The Antitrust Compliance Officer for each settling defendant would be responsible for distributing copies of the Final Judgment to all relevant officers or employees of that defendant. These persons would be required annually to certify that they understand and agree to abide by the terms of the Final Judgment. Each defendant must, within 45 days after the Antitrust Compliance Officer learns of any violations of the Final Judgment, take appropriate action to terminate or modify the activity so as to comply with the Final Judgment. Finally, the airline defendants must maintain records relating to their use of last ticket dates under the limited exception provided in Section V(C). The record keeping requirements of the proposed Final Judgment differ slightly from those in the United/USAir decree to reflect the changes made to Section V(C).

D. Effect of the Proposed Final Judgment on Competition

The relief in the proposed Final Judgment is designed to remove the artificial restraints that the defendants have imposed on competition and create an environment in which more vigorous competition may take place. The Department of Justice believes that the proposed Final Judgment contains sufficient provisions to prevent further violations of the type alleged in the Complaint and to remedy the effects of the alleged conspiracies.

The Final Judgment entered against United and USAir gives them the right to have this proposed Final Judgment substituted for theirs. Such a substitution would not materially affect the ability of United and USAir to coordinate or agree on prices.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the Judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against any defendant in this matter.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Roger W. Fones, Chief, Transportation, Energy and Agriculture Section, U.S. Department of Justice, Antitrust Division, 555 Fourth Street, N.W., Room 9104, Washington, D.C. 20001, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to entry.

VI

Alternative to the Proposed Final Judgment

Although the Department considered alternatives to the proposed Final Judgment, such as the United/USAir decree, none of these were substantially different from the proposed Final Judgment. The only real alternative would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial cost to the United States and is not warranted because the proposed Final Judgment provides relief that will remedy the

violations of the Sherman Act alleged in the United States' Complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b), were used in formulating the proposed Final Judgment.

Dated: March 17, 1994.

Respectfully submitted,

Mary Jean Moltenbrey,

Assistant Chief, Transportation, Energy, and Agriculture Section, Antitrust Division, U.S. Department of Justice, 555 Fourth Street NW., Room 9104, Washington, DC 20001, (202) 307–6349.

United States of America, Plantiff, v. Airline Tariff Publishing Company, *et al.* Defendants. Civil Action No. 92–2854 SSH (DAR)

Motion and Supporting Memorandum of Points and Authorities on Consent To Make Part of the Official Record the Attached Letter of January 21, 1994, From Michael Doyle

The plaintiff United States of America and defendants today filed with the Court a proposed Final Judgment and Stipulation of consent to entry of the proposed Final Judgment. The attached letter dated January 21, 1994, by Michael A. Doyle, counsel for American Airlines, and confirmed by Roger Fones, Antitrust Division, U.S. Department of Justice, which sets forth plaintiff's interpretation of the proposed Final Judgment, is a material factor in each of the defendants' decisions to consent to entry of this proposed Final Judgment, and the plaintiff acknowledges that defendants are relying upon that letter as if each were named therein. Accordingly, the plaintiff, with consent of counsel for the defendants, hereby moves the Court to make this letter part of the official record in this case.

A proposed order is attached.

Dated: March 17, 1994.

Respectfully submitted,

Mary Jean Moltenbrey,

Attorney, Antitrust Division, U.S. Department of Justice, 555 Fourth Street NW., room 9104, Washington, DC 20001, (202) 307–6349.

Alston & Bird

One Atlantic Center
1201 West Peachtree Street
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404–881–7000
Fax 404–881–7777 Telex 54–2996
Michael A. Doyle
Direct Dial (404) 881–7340

January 21, 1994

Roger W. Fones, Esq., Section Chief, Transportation, Energy and Agriculture Section, U.S. Department of Justice, Antitrust Division, 555 4th Street, NW., room 9104, Washington, DC 20001.

Dear Mr. Fones: I write on behalf of American Airlines, Inc. in connection with *United States v. Airline Tariff Publishing Company, et al.*, Civil Action No. 92–2854 (SSH), United States District Court for the District of Columbia (the "Civil Action").

The Complaint in the Civil Action alleges that certain pricing practices of the defendants (relating to the dissemination of fare information through ATPCO and the use of first and last ticketing dates) have violated Section One of the Sherman Act. Two of the defendants, United Airlines and USAir, have earlier consented to a Final Judgment (which the Court entered as to them on November 1, 1993) (the "Decree"). American has vigorously denied the pertinent allegations of the Complaint.

We have, as counsel to American, advised the Department of Justice of the following:

1. American has been unwilling to consent to the entry of the Decree for two reasons. First, American believes that its pricing practices challenged by the Complaint are legal under the Sherman Act. Second, American believes that the Decree, which clearly bans the use of first ticketing dates (in all instances) and last ticketing dates (except for certain advertised promotions), creates great uncertainty with respect to a number of pricing practices which are functionally similar to the use of ticketing dates.

2. American is uncertain as to whether these particular pricing practices are intended by the Department of Justice to be prohibited by the Decree.

3. American is thus uncertain whether, if it agrees to be bound by the Decree, it will be exposed to enforcement actions, with the attendant risk of treble damages, with respect to practices it believes to be lawful but which American believes are not specifically addressed by the Decree. American also fears the competitive disadvantage it will inevitably suffer if other carriers engage in pricing actions that American has foresworn because of uncertainty about the Decree's meaning.

You have advised us that the Antitrust Division continues to believe that the pricing practices challenged by the Complaint violate the Sherman Act, and that the relief embodied in the Decree is appropriate and adequate. You have also advised us that the Division is interested in encouraging a satisfactory settlement, and accordingly it is willing to respond to certain questions posed by American concerning the applicability of the Decree to particular kinds of conduct. We, therefore, have requested the Antitrust Division to advise us whether in its view the pricing practices described below are prohibited by the Decree.

Particular Pricing Actions and Practices

1. Weekend and Off-Hour Fare Increases.

A. Description Of Airline Pricing Action.

1. At noon on Friday an airline transmits fare increases on certain city-pairs to the Airline Tariff Publishing Company ("ATPCO"). The increased fares become available for sale through computerized reservation systems (CRS) later that same day or early the next morning.[1] The airline withdraws the fare increases on the following Sunday when it learns that some or all competitors have failed to implement matching fares for all of the same city-pairs.

2. Same as paragraph 1.A.1., except that all competitors implement matching fare increases on Saturday for all of the same city-pairs, and the increased fares are left in place.

3. Same as paragraph 1.A.1., except that the fare increases with immediate effective dates are initially transmitted to ATPCO Saturday noon.

4. At noon on Friday Airline A transmits 10% fare increases on certain city-pairs to ATPCO. The increased fares become available for sale through CRS at 5 p.m. that same day. On Saturday, Airline B transmits 5% fare increases to ATPCO on the same city-pairs. Airline A withdraws its 10% fare increases on Sunday when it learns that competing airlines have not offered matching fares for sale. Airline B withdraws its 5% increased fares. The following week, on Friday, Airline A raises its fares 5% on those city-pairs where Airline B had raised its fares 5% the previous week. On Saturday, Airline B matches Airline A's 5% fare increases, and both Airlines thereafter offer those fares for sale.

5. On Friday Airline A transmits to ATPCO increases in two categories of fares (for example, full Y and 14-day advance purchase). On Saturday, Airline B matches only the full Y fare increase, and then on Sunday, Airline A withdraws both fare increases, and Airline B withdraws its increase. The following week, on Friday, Airline A increases its full Y fare for travel in the same city-pairs that it had raised that fare the prior week, Airline B matches that full Y fare increase on Saturday, and both Airlines thereafter continue to offer that full Y fare.

6. Over time, the practices described in paragraphs 1.A.1., 1.A.2., 1.A.3., 1.A.4. and 1.A.5., above become a pattern for airline pricing.

B. Antitrust Division's Statement of Decree Applicability.

The pricing actions described above are not prohibited by the Decree.

The fares in all of the pricing actions described in 1.A. above are bona fide fares—fares actually available when they are published through ATPCO, and likely to be considered for purchase by reasonable, informed consumers during the time they are

[1] We presume that all fares described in these Statements are for city-pairs on which the airline offering the fares provides service, are accompanied by fare basis codes that convey only the fare class and terms or conditions of sale or travel, are fares likely to be considered for purchase by reasonable, informed consumers during the time they are available, or are fares having some other legitimate use (*e.g.*, prorate fares) and are disseminated by the airline to ATPCO to be immediately effective, without first or last ticket dates. However, ATPCO technical constraints currently require that all fares have an effective date no sooner than the next calendar day.

available or are fares that have some other legitimate use during that period (for example, prorate fares). In each scenario, the airline that publishes the increased fares is, for at least twenty-four hours, at risk of losing sales as a result of its fare increase. Thus, the increased fares are bona fide and not fares "intended solely to communicate a defendant's planned or contemplated fares or changes to fares" within the meaning of Section IV(D) of the Decree. Moreover, although there may be an element of communication inherent in fares that are actually available and intended to be sold, the fares do not convey "other information concerning the defendant's planned or contemplated fares or changes to fares" within the meaning of Section IV(B) of the Decree. Indeed, the Decree specifically provides that it does not prohibit a defendant, "in unilaterally determining its own fares, from considering all publicly available information relating to the fares of other airlines." Section V(G). Publicly available information encompasses information concerning other airlines' current and prior bona fide fares and fare changes, as well as any "pattern" that emerges from changes in such fares. Because the fares described are bona fide fares, the Antitrust Division has no present intention to challenge the pricing actions described in 1.A. under the Decree, nor, given the totality of the circumstances of the airline industry, the antitrust laws.

2. Cross Market Initiatives.

A. Description of Airline Pricing Action.

1. Airline A offers for sale a low fare (*e.g.*, $101) for travel on a city-pair route that is important to Airline B. Airline B matches the $101 fare for travel on the same city-pair and also offers for sale a $101 fare for travel on a city-pair that is important to Airline A. Airline B withdraws both $101 fares after one day. Airline A then withdraws its initial $101 fare the next day.

2. Same as 2.A.1., except that Airline A does not withdraw the initial $101 fare, and Airline B then offers for sale $101 fares for travel on several city-pair routes important to Airline A. After two days, Airline A withdraws the initial $101 fare, and Airline B then withdraws its $101 fare.

B. Antitrust Division's Statement Of Decree Applicability.

All of the fares described in 2.A. above are bona fide fares that are actually available for purchase when they are published through ATPCO, and are likely to be considered by reasonable, informed consumers during the time they are available. Accordingly, the fares are bona fide fares and not fares "intended solely to communicate a defendant's planned or contemplated fares or changes to fares" within the meaning of Section IV(D) of the Decree. Moreover, although there may be some communication inherent in these fares, the fares do not convey "other information concerning the defendant's planned or contemplated fares or changes to fares" within the meaning of Section IV(B) of the Decree. Thus, the pricing actions described above are not prohibited by the Decree. Indeed, the Decree specifically states that "[r]egardless of what fares any airline offers in any city or airport pair, offering any fare in the same or any other city pair, in and of itself, does not constitute a violation of this judgment." Section V(H). Because the fares described are bona fide fares, the Antitrust Division has no present intention to challenge the pricing actions described in 2.A. under the Decree, nor, given the totality of the circumstances of the airline industry, the antitrust laws.

The foregoing statements represent the position of the Antitrust Division concerning the applicability of the Decree to the specific pricing practices described, and the Division will not urge a contrary position in any adversarial, administrative, or regulatory proceeding. If so requested by American, the Division will consider in good faith a request to state the position of the United States, and to argue its correctness, in any adversarial, administrative, or regulatory proceeding, if the position of the United States is germane to issues in such proceeding, even if the United States is not a party to or otherwise directly involved in the proceeding.

I enclose a proposed Final Judgment attached to a Stipulation I have executed on behalf of American, which makes the following previously agreed upon changes to the Final Judgment entered on November 1, 1993:

1. Adding otherwise lawful sales of airline management services to other airlines to Section V(B);

2. Expanding the limitation of Section V(C); and

3. Modifying slightly the record keeping obligation in Section VI(C).

Although American continues to deny that its past pricing activities challenged in the Civil Action were unlawful, American has agreed to consent to the entry of the Decree in order to avoid the burden and expense of litigation and in consideration of the Division's statements of its position concerning the applicability of the Decree as set out above.

A stipulation executed by American through its counsel is enclosed herewith and made a part of this letter of understanding.

Your signature below confirms that the foregoing Statements of Decree Applicability accurately reflect the position of the Antitrust Division.

Sincerely,

Michael A. Doyle,

Counsel for American Airlines, Inc.

Confirmed:

Roger W. Fones,

Section Chief, Transportation, Energy and Agriculture Section, U.S. Department of Justice, Antitrust Division.

United States of America, Plaintiff, v. Airline Tariff Publishing Company; *et al.*, *Defendants*. Civil Action No. 92–2854 SSH (DAR).

Order

Upon Consideration of the plaintiff's motion to make the letter of January 21, 1994, from Michael A. Doyle, counsel for American Airlines, to Roger Fones, Antitrust Division, U.S. Department of Justice, part of the official record in this case. it is this _____ day of _____ , 1994, hereby

Ordered, that the plaintiff's motion is Granted; and it is,

Further ordered that the clerk will make the letter from Michael A. Doyle part of the official record in this case.

Dated: _____

Stanley S. Harris
United States District Judge

Upon entry copies to:

Mary Jean Moltenbrey, Antitrust Division, U.S. Department of Justice, 555 Fourth Street, NW, Washington, DC 20001
for plaintiff United States

Mark Leddy, Michael J. Byrnes, Cleary, Gottlieb, Steen & Hamilton, 1752 N Street, NW, Washington, DC 20036
Jonathan B. Hill, Dow, Lohnes & Albertson, 1255 Twenty-third Street, NW, Washington, DC 20037
for defendant Airline Tariff Publishing Company

James V. Dick, Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue, NW, Washington, DC 20044
for defendant Alaska Airlines, Inc.

Michael Doyle, Alston & Bird, 700 Thirteenth St., NW, suite 350, Washington, DC 20005–3960
Irving Scher, Weil Gotshal & Manges, 767 Fifth Avenue, New York, NY 10153
Peter D. Isakoff, Weil, Gotshal & Manges, 1615 L Street, NW, suite 700, Washington, DC 20036
for defendant American Airlines, Inc.

Donald L. Flexner, Crowell & Moring, 1001 Pennsylvania Avenue, NW, Washington, DC 20004–2595
for defendants Continental Airlines, Inc., and Northwest Airlines, Inc.

Emmet J. Bondurant II, Bondurant, Mixson & Elmore, 1201 West Peachtree Street, NW, 39th Floor, Atlanta, Georgia 30309
James R. Weiss, Preston Gates Ellis & Rouvelas Meeds, 1735 New York Ave., NW, suite 500, Washington, DC 20006
for defendant Delta Air Lines, Inc.

Thomas Demitrack, Jones, Day, Reavis & Pogue, North Point, 901 Lakeside Avenue, Cleveland, Ohio 44114
James E. Anklam, Jones, Day, Reavis & Pogue, 1450 G Street, NW, Washington, DC 20005–3939
for defendant Trans World Airlines, Inc.

Certificate of Service

I hereby certify that I have caused a copy of the foregoing STIPULATION, proposed FINAL JUDGMENT, COMPETITIVE IMPACT STATEMENT, and MOTION ON CONSENT TO MAKE PART OF THE OFFICIAL RECORD LETTER OF JANUARY 21, 1994, FROM MICHAEL DOYLE to be served upon counsel in this matter in the manner set forth below:

By hand:

Mark Leddy, Michael J. Byrnes, Cleary, Gottlieb, Steen & Hamilton, 1752 N Street, NW, Washington, DC 20036
Jonathan B. Hill, Dow, Lohnes & Albertson, 1255 Twenty-third Street, NW, Washington, DC 20037
for defendant Airline Tariff Publishing Company

James V. Dick, Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue, NW, Washington, DC 20044
for defendant Alaska Airlines, Inc.

Peter D. Isakoff, Weil, Gotshal & Manges, 1615 L Street, NW, suite 700, Washington, DC 20036
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Donald L. Flexner, Crowell & Moring, 1001 Pennsylvania Avenue, NW, Washington, DC 20004–2595
for defendants Continental Airlines, Inc., and Northwest Airlines, Inc.

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James E. Anklam, Jones, Day, Reavis & Pogue, 1450 G Street, NW, Washington, DC 20005–3939
for defendant Trans World Airlines, Inc.

By Federal Express:

Michael Doyle, Alston & Bird, One Atlantic Center, 1201 West Peachtree Street, Atlanta, GA 30309–3960
Irving Scher, Weil Gotshal & Manges, 767 Fifth Avenue, New York, NY 10153
for defendant American Airlines, Inc.

Emmet J. Bondurant II, Bondurant, Mixson & Elmore, 1201 West Peachtree Street, NW, 39th Floor, Atlanta, Georgia 30309
for defendant Delta Air Lines, Inc.

Thomas Demitrack, Jones, Day, Reavis & Pogue, North Point, 901 Lakeside Avenue, Cleveland, Ohio 44114
Dated: March 17, 1994.
for defendant Trans World Airlines Inc.

Mary Jean Moltenbrey,

Antitrust Division, U.S. Department of Justice, 555 Fourth St., NW, Washington, DC 20001, (202) 307–6396.

[FR Doc. 94–7672 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Interoperable System Project Foundation

Notice is hereby given that, on December 23, 1993, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the InterOperable System Project Foundation ("ISPF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiff's to actual damages under specified circumstances. Specifically, the identities of the new members are as follows: Bailey Japan Co., Ltd., Tagata-gun, Japan; Borst Automation, Westerburg, Germany; Bronkhorst High-Tech B.V., Ruurlo, Netherlands; Danfoss A/S, Nordborg, Denmark; Digitable Thielen gmbh, Essen, Germany; Eckardt AG, Stuttgart, Germany; EMCO, Longmont, CO; Enraf, Delft, Netherlands; EnviroTech Measurements & Controls, Austin, TX; Exxon Research & Engineering Co., Florham Park, NJ; Fachhochschule Landshut, Landshut, Germany; FINT, Oslo, Norway; Fischer & Porter Gmbh, Goettingen, Germany; Fisher Rosemount Systems, Inc., Burnsville, MN; Fraunhofer Institute IITB, Karlsruhe, Germany; Fuji Electric Co., Ltd., Tokyo, Japan; Hartmann & Braun, Frankfurt, Germany; Hitachi, Ltd. Instrument Division, Ibaraki-ken, Japan; Institudo de Investigaciones Electricas, Cuernavaca Morelos, Mexico; Johnson Controls, Inc., Milwaukee, WI; Kay-Ray/Sensall, Mt. Prospect, IL; Koso Service Co., Ltd., Toda Saitama, Japan; M-System Co., Ltd., Kanagawa-Ku, Japan; Micro Motion, Inc., Boulder, CO; Mitsubishi Electric Corporation, Tokyo, Japan; Modicon, Inc., N. Andover, MA; Motayama Eng. Works, Ltd., Aobaku, Japan; National Instruments, Austin, TX; NEC Corporation, Tokyo, Japan; NEMA, Washington, DC; Niigata Masoneilan Co., Ltd., Chiba, Japan; Ohkura Electric Co., Ltd., Wako Saitama, Japan; Oval Corporation, Tokyo, Japan; Pepperl & Fuchs, Mannheim, Germany; R. Stahl Schaltgeraete GmbH, Kuenzelsau, Germany; Saab Tank Control, Gothenberg, Sweden; Shimadzu Corporation, Kyoto, Japan; SHIP STAR Associates, Newark, DE; Sieger TPADLTD, Broadstone, Dorset, England; SMAR, Seraozinho, Brazil; Softing GmbH, Munich, Germany; SOR, Inc., Lenexa, KS; StoneL Corporation, Fergus Falls, MN; TMG i-tec GmbH, Karlsruhe, Germany; Valtek International, Provo, UT; and Westlock Controls Corporation, Saddle Brook NJ.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ISPF intends to file additional written notification disclosing all changes in membership.

On May 7, 1993, ISPF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 23, 1993 (58 FR 49529).

Joseph H. Widmar,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc 94–7587 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993 Low Cost Ceramic Composites Virtual Company

Notice is hereby given that, on February 17, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Grumman Aerospace Corporation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the Low Cost Ceramic Virtual Company (the "Company"). The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the Company are Grumman Aerospace Corporation, Bethpage, NY; AlliedSignal, Inc., Morristown, NJ; Allison Engine Company, Indianapolis, IN; Atlantic Research Corporation, Gainsville, VA; Synterials, Herndon, VA; Drexel University, Philadelphia, PA; Rutgers University, Piscataway, NJ; Rensselear Polytechnic Institute, Troy, NY; ARPA, Arlington, VA; U.S. Air Force, Wright Patterson AFB, OH; NIST, Gaithersburg, MD; and Naval Air Warfare Center, Warminster, PA. The nature and objectives of the Company are to develop resin transfer molding methodology for fabricating low-cost, structural ceramic composite components that can be used at high temperatures and have high specific properties, all in accordance with the Technology Development Agreement between the Company and the Advanced Research Projects Agency (ARPA) of the United States Government, and to perform all technical scientific and administrative activities ancillary to said work, all in accordance with the Low Cost Composites Virtual Company Agreement.

Joseph H. Widmar,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 94–7588 Filed 3–30–94; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of

mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Southern Ohio Coal Company

[Docket No. M–94–24–C]

American Electric Power Service Corporation, One Memorial Drive, Box 700, Lancaster, Ohio 43130–0700 has filed a petition for Southern Ohio Coal Company to modify the application of 30 CFR 75.335 (construction of seals) to its Meigs Mine No. 31 (I.D. No. 33–01172) located in Meigs County, Ohio. The petitioner proposes to construct a dam with pipes eight inches in diameter, extending through the dam approximately fifty feet from the seal on the active workings side of the seal. The water level at the seal would be above the bottom of the seal with the water passing through the three pipes at a rate comparable to that at which it is produced in the abandoned Raccoon Mine No. 3. The water flows into a sump and is pumped from the Meigs Mine No. 31. The petitioner proposes to examine the seal at least every three days instead of every seven days and to install an atmospheric monitoring system in the area immediately outby the seal to monitor for methane and carbon monoxide. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

2. Bear Coal Company, Inc.

[Docket No. M–94–25–C]

Bear Coal Company, Inc., P.O. Box 518, Somerset, Colorado 81434 has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mines) to its Bear No. 3 Mine (I.D. No. 05–03787) located in Gunnison County, Colorado. The petitioner requests that the standard be modified to allow a 4 foot wide x 5 foot high escapeway, without the use of supplemental support, through the beltline slope. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

3. Kelley Creek Resources, Inc.

[Docket No. M–94–26–C]

Kelley Creek Resources, Inc., Route 4, Box 662, Whitwell, Tennessee 37397 has filed a petition to modify the application of 30 CFR 75.364(a)(1) (weekly examination) to its Mine No. 78 (I.D. No. 40–02934) located in Sequatchie County, Tennessee. Due to deteriorating roof conditions, to examine the area would require extensive cleanup. The petitioner proposes to designate evaluation points at specific locations, strategically positioned to monitor on a weekly basis the quantity and quality of air entering, passing through, and exiting the affected area. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. Kelley Creek Resources, Inc.

[Docket No. M–94–27–C]

Kelley Creek Resources, Inc., Route 4, Box 662, Whitwell, Tennessee 37397 has filed a petition to modify the application of 30 CFR 75.333(g) (ventilation controls) to its Mine No. 78 (I.D. No. 40–02934) located in Sequatchie County, Tennessee. Due to deteriorating roof conditions, installing line brattice to make a crosscut in the entries or rooms inby the rib would require extensive cleanup of the area, which would expose the examiner and other personnel to unsafe conditions and would jeopardize the safety and health of the miners. The petitioner proposes to designate evaluation points at specific locations, strategically positioned to monitor the quantity and quality of air entering, passing through and exiting the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

5. Kelley Creek Resources, Inc.

[Docket No. M–94–28–C]

Kelley Creek Resources, Inc., Route 4, Box 662, Whitwell, Tennessee 37397 has filed a petition to modify the application of 30 CFR 75.360(b)(6) (preshift examination) to its Mine No. 78 (I.D. No. 40–02934) located in Sequatchie County, Tennessee. Due to deteriorating roof conditions, traveling the intake air course to conduct preshift examinations would be unsafe. The petitioner proposes to designate evaluation points at specific locations, strategically positioned to monitor the quantity and quality of air entering, passing through, and exiting the affected area. The petitioner asserts that the alternate method would provide at least the same measure of protection as would the mandatory standard.

6. New Warwick Mining Company

[Docket No. M–94–29–C]

New Warwick Mining Company, R.D. 1, Box 167A, Mount Morris, Pennsylvania 15349 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Warwick Mine (I.D. No. 36–02374) located in Greene County, Pennsylvania. Due to deteriorating roof conditions in the intake air course, traveling the affected area to make weekly examinations would be unsafe. The petitioner proposes to establish evaluation points #4 and #5 to monitor the quantity and quality of air entering and leaving the affected area. The petitioner asserts that the alternate method would provide at least the same measure of protection as would the mandatory standard.

7. Mon River Mining Corporation

[Docket No. M–94–30–C]

Mon River Mining Corporation, P.O. Box 2429, Westover, West Virginia 26505 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its No. 1 Deep Mine (I.D. No. 46–06647) located in Monongalia County, West Virginia. Due to deteriorating roof conditions in the right return in the crosscut outby the belt overcast and the adjacent heading at survey Station No. 45, the area cannot be traveled safely. The petitioner proposes to establish check point No. 3 outby and check point No. 4 inby the crosscut; to post danger signs and block off the affected area to travel; to check each side of the crosscut for proper air movement and for methane and oxygen deficiency; to record date, time and initials on a date board on each side of the crosscut; and to make weekly examinations and record the results in a book kept on the surface. The petitioner asserts that the alternate method would provide at least the same measure of protection as would the mandatory standard.

8. New Warwick Mining Company

[Docket No. M–94–31–C]

New Warwick Mining Company, R.D. 1, Box 167A, Mount Morris, Pennsylvania 15349 has filed a petition to modify the application of 30 CFR 75.335 (a)(2), (c) (1) and (2) (construction of seals) to its Warwick Mine (I.D. No. 36–02374) located in Greene County, Pennsylvania. The petitioner proposes to construct a concrete block water trap wet seal at number 23 seal in the 2 North section of the mine. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

9. Bear Coal Company, Inc.

[Docket No. M–94–32–C]

Bear Coal Company, Inc., P.O. Box 518, Somerset, Colorado 81434 has filed

a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mine) to its Bear No. 3 Mine (I.D. No. 05–03787) located in Gunnison County, Colorado. The petitioner requests that the standard be modified to allow the existing 4 foot stairway between the "B" and "C" seam to be used as an alternate escapeway. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

10. El Dorado Chemical Company

[Docket No. M–94–01–M]

On January 28, 1994, a petition for modification for the El Dorado Chemical Company was published in the **Federal Register** (59 FR 4114). The petition was incorrectly docketed as applying to mandatory standard 30 CFR 56.6309 which applies to surface metal/nonmetal mines; the petitioner was requesting modification of a surface coal mine standard. However, El Dorado Chemical Company is a contractor having no standing to submit a petition for modification for the mine operator; thus, further processing of the petition has ceased.

11. Santa Fe Pacific Gold

[Docket No. M–94–18–M]

Santa Fe Pacific Gold, P.O. Box 69, Golconda, Nevada 89414 has filed a petition to modify the application of 30 CFR 56.6309(b) (fuel oil requirements for ANFO) to its Twin Creeks Mine (I.D. No. 26–01942) located in Humboldt County, Nevada. The petitioner proposes to recycle used, petroleum-based, and lubrication oil from equipment and blend it with fuel oil to create a blasting agent (ANFO).

12. FMC Wyoming Corporation

[Docket No. M–94–19–M]

FMC Wyoming Corporation, P.O. Box 873, Green River, Wyoming 82935 has filed a petition to modify the application of 30 CFR 57.22234 (actions at 1.0 percent methane 1–A, 1–B, III, V–A and V–B mines) to its Trona Mine (I.D. No. 48–00152) located in Sweetwater County, Wyoming. The petitioner proposes to provide additional training to miners; to conduct additional methane checks; and to maintain levels in bleeders at or below applicable standards. The petitioner states that application of the standard would subject mine personnel to ground control hazards. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 2, 1994. Copies of these petitions are available for inspection at that address.

Dated: March 23, 1994.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 94–7583 Filed 3–30–94; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 94–021]

NASA Advisory Council (NAC), Minority Business Resource Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Minority Business Resource Advisory Committee.

DATES: April 28, 1994, 9 a.m. to 3 p.m.

ADDRESSES: NASA, Lyndon B. Johnson Space Center, Houston, Texas 77058.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph C. Thomas, III, Office of Small and Disadvantaged Business Utilization, National Aeronautics and Space Administration, room 9K70, 300 E Street, SW., Washington, DC 20546, (202) 358–2088.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows.

—Recap of MBRAC Activities and Accomplishments.
—Status of Small Disadvantaged Business (SDB) Participation in Space Station Program.
—Report Current NASA SDB Initiatives.
—Reports from Committee Working Groups.
—Invitation for Suggestions by Individuals in Attendance.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: March 25, 1994.

Timothy M. Sullivan,

Advisory Committee Management Officer.

[FR Doc. 94–7637 Filed 3–30–94; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–01807; License No. 20–00275–08; EA 93–256]

Boston City Hospital; Boston, MA; Order Imposing Civil Monetary Penalty

I

Boston City Hospital (Licensee), Boston, Massachusetts, is the holder of Byproduct/Source Material License No. 20–00275–08 (License), issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR parts 30 and 35. The License authorizes the Licensee to use byproduct material for medical diagnosis and therapy; in prepackaged kits for in-vitro studies; as specifically identified radionuclides for research and development and animal studies; as a strontium-90 sealed source for instrument calibration; and as a strontium-90 sealed source for the treatment of superficial eye conditions. The license most recently was renewed on September 17, 1992, and is due to expire on August 31, 1997.

II

An NRC inspection of the Licensee's activities was conducted on October 6, 1993. During the inspection, seven violations of NRC requirements were identified, one of which involved the failure to maintain control of access to licensed material. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated December 2, 1993. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations. The Licensee responded to the Notice on December 28, 1993. In its response, the Licensee admitted all of the violations, but requested remission or mitigation of the proposed civil penalty.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation or remission contained therein, the NRC staff has determined, as set forth in the appendix to this Order, that the violations occurred as stated and that the penalty proposed for

the violation designated in Section I of the Notice should be mitigated by 50 percent for the Licensee's good prior performance consistent with the NRC Enforcement Policy.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *it is hereby ordered that:* The Licensee pay a civil penalty in the amount of $1,250 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, with a copy to the Commission's Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether, on the basis of the violation set forth in Section I of the Notice that the Licensee admitted, this Order should be sustained.

Dated at Rockville, Maryland this 24th day of March 1994.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support.

Appendix—Evaluations and Conclusion

On December 2, 1993, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during an NRC inspection conducted on October 6, 1993. A proposed civil penalty was issued for the violation in Section I of the Notice. Boston City Hospital (Licensee) responded to the Notice by a letter dated December 28, 1993. In its response, the Licensee admits all of the violations, but requests remission or mitigation of the proposed civil penalty. The NRC's evaluation and conclusion regarding the Licensee's requests are as follows:

Restatement of Violations

I. Violation of the Security Requirement

10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that licensed materials in an unrestricted area and not in storage be tended under the constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above, on October 6, 1993, licensed material consisting of at least 200 millicuries of technetium-99m and 40 microcuries of iodine-131 located in the hot lab of the nuclear medicine department, an unrestricted area, was not secured against unauthorized removal, and was not under the constant surveillance and immediate control of the licensee.

This is a Severity Level III violation (Supplements IV and VI). Civil Penalty—$2,500.

II. Violations of the Quality Management Program Requirements

A. 10 CFR 35.25(a)(1) requires, in part, that a licensee that permits the use of byproduct material by an individual under the supervision of an authorized user shall instruct the supervised individual in the licensee's written quality management program.

Contrary to the above, the licensee established a written quality management program, and as of October 6, 1993, had not instructed the supervised individuals in the licensee's written quality management program. Specifically, the nuclear medicine technologists, who also administer I–131 dosages, were not trained in the licensee's written quality management program requirement regarding the authorized users' review of the written directive and the signature requirement.

This is a Severity Level IV violation (Supplement VI).

B. 10 CFR 35.32(a)(1)(iv) and (4) requires, in part, that: the licensee establish and maintain a written quality management program to provide high confidence that byproduct material or radiation from byproduct material will be administered as directed by the authorized user; and the quality management program must include written policies and procedures to meet the objectives that, prior to administration, a written directive is prepared for any administration of quantities greater than 30 microcuries of either sodium iodide I–125 or I–131, and that each administration is in accordance with the written directive.

10 CFR 35.2 defines a written directive as an order in writing for a specific patient, dated and signed by an authorized user prior to the administration of quantities greater than 30 microcuries of sodium iodide I–125 or I–131, and containing the dosage.

Contrary to the above, the licensee's written policies and procedures for the quality management program did not ensure the objective that a written directive be prepared prior to administering greater than 30 microcuries of sodium iodide I–131, and that each administration is in accordance with the written directive. On multiple occasions, prior to administration of a radiopharmaceutical containing I–131, the licensee did not prepare a written directive containing the required information. Specifically, on at least four different occasions between April 9, 1993, and September 3, 1993, the licensee administered dosages of iodine-131 in quantities greater than 30 microcuries to patients, without the written directives for these administrations, in that the instructions specifying the dosage to be administered on these occasions were not signed by an authorized user.

This is a Severity Level IV violation (Supplement VI).

C. 10 CFR 35.32(b) requires, in part, that the licensee develop procedures for and conduct a review to verify compliance with all aspects of the quality management program at intervals no greater than 12 months, and evaluate each of these reviews to determine the effectiveness of the quality management program and, if required, make modifications to meet the objectives of 10 CFR 35.32(a).

Contrary to the above, as of October 6, 1993, the licensee had not developed procedures for conducting a review to verify compliance with all aspects of the licensee's quality management program. Specifically, the RSO stated that there

were no written policies or procedures to conduct the required review; that a review of the nuclear medicine program was conducted in July 1993; and the July 1993 review has not yet been evaluated to determine the effectiveness of the quality management program or the needed changes.

This is a Severity Level IV violation (Supplement VI).

III. Other Violations of NRC Requirements

A. 10 CFR 19.12 requires, in part, that all individuals working in a restricted area be instructed in the precautions and procedures to minimize exposure to radioactive materials, in the purpose and functions of the protective devices employed, and to the extent within the worker's control, in the applicable provisions of the Commission's regulations and licenses.

Contrary to the above, as of October 6, 1993, individuals who were working in the nuclear medicine department, a restricted area, had not been instructed in the applicable provisions of the regulations and the conditions of the license. Specifically, at least two nuclear medicine technologists stated that they were not instructed in the procedure to check the survey meter for proper operation, a matter within their control.

This is a Severity Level IV violation (Supplement VI).

B. 10 CFR 35.14 requires, in part, that a licensee notify the NRC by letter within 30 days when an authorized user permanently discontinues performance of duties under the license.

Contrary to the above, in July 1993, at least two authorized users permanently discontinued performance of duties under the license, and the licensee did not notify the NRC as of October 6, 1993, a period in excess of 30 days.

This is a Severity Level IV violation (Supplement VI).

C. 10 CFR 35.50(b)(3) requires, in part, that a licensee test each does calibrator at least quarterly for linearity over the range of its use between the highest dosage that will be administered to a patient and 10 microcuries.

Contrary to the above, the licensee's dose calibrator linearity tests performed on February 9, 1993, and April 21, 1993, did not include activities below 18 microcuries. Similarly, the linearity test performed on July 27, 1993, did not include activities below 17.8 microcuries, and there are no other linearity tests during the quarters when the identified tests were performed.

This is a Severity Level IV violation (Supplement VI).

Summary of Licensee's Request for Mitigation

In its December 28, 1993 written response to the Notice, the Licensee admits the violations but requests remission or mitigation of the civil penalty. In support of its request, the Licensee vigorously contests the NRC's conclusion that the results of the October 6, 1993 inspection constitute a decline in performance. Rather than indicating a decline in performance, the Licensee maintains that the brief lack of constant surveillance of the hot lab represents a unique and temporary situation. The Licensee adds that it had identified a potential security problem with the existing hot lab (i.e., deterioration of the floor made opening and closing the door very difficult) and that it took steps to correct the problem, including the building of a completely new hot lab with new floors and a self-closing, combination locked, door.

The Licensee indicates that it took actions to maintain security of the existing hot lab during the construction of the new lab, such as instructing the construction supervisors to keep their personnel away from the hot lab and locating a secretary near the door to the hot lab. However, the Licensee acknowledges that the secretary had stepped away from her desk without informing anyone prior to the NRC inspector's arrival.

The Licensee further contends that the lack of security of the hot lab is not indicative of the Licensee's deteriorating compliance; rather, this security violation was the result of a mistake made during a unique and time-limited situation. The Licensee acknowledges that having the door open without the direct line of sight of the Licensee's personnel is certainly a violation that should not have occurred, and would not have occurred but for construction. However, the Licensee maintains that this violation should be viewed in the larger context of the Licensee identifying a potential permanent problem, and taking lasting and comprehensive action to prevent a breach of hot lab security. The Licensee states that this anticipatory correction of potential problems is more consistent with its prior good performance, and the door being open is an isolated failure that is inconsistent with the Licensee's prior performance.

Additionally, in supporting its request for mitigation, the Licensee addressed circumstances for the violations relating to its Quality Management Program (QMP) and its dose calibrator. The Licensee states that learning an entirely new regulatory scheme such as the QMP is rarely accomplished immediately, and that Licensee personnel's failure in one specific area to completely follow the QMP does not indicate a failure to implement the QMP. With regard to the dose calibrator, the Licensee states that while 10 CFR 35.50(b)(3) mandates calibration of dose calibrators down to 10 microcuries, the Licensee was informed by various personnel of the NRC that this level is being evaluated for change because measurement of technetium-99m in the dose calibrator at this quantity leads to a greater margin of error. The Licensee maintains that its failure to test the dose calibrator down to this level was based on its desire to reduce the margin of error.

NRC Evaluation of Licensee's Request for Mitigation

The NRC determined that the failure to secure licensed material against unauthorized removal was a significant violation which was classified at Severity Level III in accordance with Supplement VI.C.1 of the Enforcement Policy (10 CFR part 2, appendix C). In determining the amount of the civil penalty, the NRC considered the escalation and mitigation factors set forth in the NRC Enforcement Policy.

The NRC recognizes that the Licensee had identified, even prior to the NRC inspection, a potential problem concerning the security of the hot lab and initiated long term action to correct it. Although the Licensee did not assure that appropriate security was maintained during the interim period, the NRC agrees that the Licensee's initiative in making the long-term changes to the hot lab is indicative of extensive corrective actions. However, the failure to secure licensed material against unauthorized removal from the hot lab is a significant regulatory concern.

With regard to the Licensee's understanding and implementation of its QMP and circumstances related to its dose calibrator, the NRC views the Licensee's failure to prepare a written directive, as defined in 10 CFR 35.2, prior to administering greater than 30 microcuries of sodium iodide, as a failure to implement the QMP in accordance with 10 CFR 35.32(a) (1)(iv) and (4). Concerning the dose calibrator, the staff expects licensees to fully comply with NRC regulations. Licensees are not excused from compliance with NRC requirements because revisions to those requirements may be under consideration.

With respect to the Licensee's prior performance, Section VI.B(c) of the Enforcement Policy states, in part, that "the base civil penalty may be mitigated

by as much as 100% if the current violation is an isolated failure that is inconsistent with the licensee's outstandingly good prior performance. The base civil penalty may also be escalated by as much as 100% if the current violation is reflective of the licensee's poor or declining prior performance."

The NRC acknowledges that the Licensee had generally good performance during the last two NRC inspections. However, the staff notes that in addition to the four violations identified during the last two NRC inspections conducted in 1992 and 1989, six violations occurred over a period of nine months since the 1992 NRC inspection. These violations, in addition to the security violation, are not reflective of outstandingly good performance. Therefore, on balance, after reconsidering the matter, the staff has concluded that while full mitigation (i.e., 100 percent) is not appropriate, 50 percent mitigation of the base civil penalty based on the Licensee prior performance is warranted.

NRC Conclusion

The NRC concludes that the violations occurred as stated, and that the Licensee has not provided an adequate basis for full remission of the proposed civil penalty; however, mitigation of 50 percent is warranted based on the Licensee's prior performance. Accordingly, the NRC has determined that a civil penalty in the amount of $1,250 should be imposed.

[FR Doc. 94–7639 Filed 3–30–94; 8:45 am]
BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Sherry Turpenoff, (202) 606–0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on March 2, 1994 (58 FR 10023). Individual authorities established or revoked under Schedules A and B and established under Schedule C between January 1 and February 28, 1994, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30, 1994, will also be published.

Schedule A

The following exception was established:

Department of Justice

Positions at GS–15 and below on the staff of an office of an independent counsel, that is established under 28 CFR part 600. No office may use this authority for more than 4 years to make appointments and position changes unless prior approval of OPM is obtained. Effective January 21, 1994.

Department of Defense

The Director, Deputy Director, and positions of professor, instructor, and lecturer at the George C. Marshall European Center for Security Studies, Garmisch, Germany, for initial employment not to exceed 3 years, which may be renewed in from 1 to 2 years thereafter. Effective February 3, 1994.

The following exception was revoked:

Executive Office of the President, ONDCP

Twenty positions, GS–15 and below, of senior policy analysts and other personnel with expertise in drug-related issues and/or technical knowledge to aid in anti-drug abuse efforts. Effective January 13, 1994.

Schedule B

No Schedule B authorities were established or revoked during January 1994.

Schedule C

Action

Special Assistant to the Director of ACTION. Effective January 21, 1994.

U.S. Arms Control and Disarmament Agency

Speechwriter to the Director, United States Arms Control and Disarmament Agency. Effective February 4, 1994.

Policy Analyst to the Director, United States Arms Control and Disarmament Agency. Effective February 14, 1994.

Commission on Civil Rights

Special Assistant to Staff Director. Effective February 14, 1994.

Commodity Futures Trading Commission

Special Assistant to a Commissioner. Effective January 26, 1994.

Administrative Assistant to a Commissioner. Effective January 26, 1994.

Department of Agriculture

Confidential Assistant to the Administrator, Farmers Home Administration. Effective January 4, 1994.

Confidential Assistant to the Chief, Soil Conservation Service. Effective January 7, 1994.

Confidential Assistant to the Administrator, Agricultural Marketing Service. Effective January 19, 1994.

Confidential Assistant to the Administrator, Food and Nutrition Service. Effective January 19, 1994.

Confidential Assistant to the Administrator, Food and Nutrition Service. Effective January 19, 1994.

Staff Assistant to the Administrator, Agricultural Marketing Service. Effective January 19, 1994.

Confidential Assistant to the Administrator, Farmers Home Administration. Effective January 19, 1994.

Staff Assistant to the Under Secretary for Small Community and Rural Development. Effective January 19, 1994.

Special Assistant to the Chief, Soil Conservation Service. Effective January 19, 1994.

Confidential Assistant to the Director, Office of Finance and Management. Effective January 19, 1994.

Staff Assistant to the Assistant Secretary for Administration. Effective February 14, 1994.

Staff Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective February 17, 1994.

Confidential Assistant to the Administrator, Food and Nutrition Service. Effective February 18, 1994.

Staff Assistant to the Secretary of Agriculture. Effective February 18, 1994.

Staff Assistant to the Assistant Secretary for Economics. Effective February 18, 1994.

Confidential Assistant to the Director of Personnel. Effective February 18, 1994.

Confidential Assistant to the Administrator, Farmers Home Administration. Effective February 18, 1994.

Confidential Assistant to the Assistant Secretary for Science and Education. Effective February 18, 1994.

Confidential Assistant to the Assistant Secretary for Administration. Effective February 28, 1994.

Confidential Assistant to the Associate Administrator, Foreign Agricultural Service. Effective February 28, 1994.

Confidential Assistant to the Chief Financial Officer. Effective February 28, 1994.

Department of the Army (DOD)

Defense Fellow (Training & Education) to the Assistant Secretary of the Army (Manpower and Reserve Affairs). Effective February 28, 1994.

Department of Commerce

Confidential Assistant to the Chief of Staff. Effective January 7, 1994.

Confidential Assistant to the Assistant Secretary for Export Enforcement, Bureau of Export Administration. Effective January 7, 1994.

Confidential Assistant to the Deputy Director, Office of Public Affairs. Effective January 7, 1994.

Special Assistant to the Director, Bureau of Census. Effective January 11, 1994.

Confidential Assistant to the Deputy General Counsel. Effective January 11, 1994.

Confidential Assistant to the Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration. Effective January 11, 1994.

Special Assistant to the Chief Financial Officer and Assistant Secretary for Administration. Effective January 21, 1994.

Director, Office of Public Affairs to the Under Secretary for Oceans and Atmosphere, National Oceanic and Atmospheric Administration. Effective January 21, 1994.

Intergovernmental Affairs Specialist to the Chief of Intergovernmental Affairs, Office of Sustainable Development and Intergovernmental Affairs, NOAA. Effective January 21, 1994.

Director, Office of Congressional Affairs, to the Assistant Secretary, National Telecommunications and Information Administration. Effective January 28, 1994.

Financial Officer to the Director, Minority Business Development Agency. Effective January 28, 1994.

Confidential Assistant to the Director, Minority Business Development Agency. Effective February 2, 1994.

Confidential Assistant to the Assistant to the Deputy Secretary. Effective February 2, 1994.

Deputy Director of Advance to the Deputy Director of External Affairs and Director of Advance. Effective February 2, 1994.

Confidential Assistant to the Under Secretary for Export Administration, Bureau of Export Administration. Effective February 8, 1994.

Special Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration. Effective February 9, 1994.

Special Assistant to the Deputy Assistant Secretary for Basic Industries, International Trade Administration. Effective February 9, 1994.

Deputy Director of Scheduling to the Director of Scheduling, Office of the Secretary. Effective February 9, 1994.

Special Assistant to the Deputy Assistant Secretary for International Economic Policy, International Trade Administration. Effective February 9, 1994.

Special Assistant to the Chief Scientist, National Oceanic and Atmospheric Administration. Effective February 16, 1994.

Speechwriter to the Director, Office of Public Affairs. Effective February 17, 1994.

Special Assistant to the Director International Technology, Policy and Programs, Technology Administration. Effective February 28, 1994.

Department of Defense

Special and Confidential Assistant to the Special Assistant to the Secretary of Defense for White House Liaison. Effective January 6, 1994.

Special Assistant to the Deputy Under Secretary of Defense for Policy Planning. Effective January 6, 1994.

Staff Specialist to the Project Director for National Performance Review. Effective January 6, 1994.

Director for Programs to the Assistant to Secretary of Defense for Public Affairs. Effective January 7, 1994.

Speechwriter to the Special Assistant to the Secretary of Defense for Public Affairs. Effective January 7, 1994.

Special Assistant for Strategic Modernization to the Assistant Secretary of Defense (Legislative Affairs). Effective January 7, 1994.

Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs). Effective January 7, 1994.

Special Assistant for Humanitarian and Refugee Affairs Policy to the Deputy Assistant Secretary of Defense (Humanitarian and Refugee Affairs). Effective January 7, 1994.

Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs). Effective January 11, 1994.

Management Officer to the Executive Director, President's Foreign Intelligence Advisory Board. Effective January 11, 1994.

Special Assistant to the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict). Effective January 13, 1994.

Staff Specialist to the Assistant Secretary of Defense (Legislative Affairs). Effective January 13, 1994.

Staff Specialist to the Assistant Secretary of Defense (Legislative Affairs). Effective January 13, 1994.

Counselor and Senior Assistant for Counterproliferation Policy to the Deputy Assistant Secretary of Defense (Counterproliferation Policy). Effective January 19, 1994.

Defense Fellow to the Assistant Secretary of Defense (Legislative Affairs). Effective January 24, 1994.

Research Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective January 24, 1994.

Special Assistant to the Assistant to the Secretary of Defense for Protocol. Effective January 27, 1994.

Personal and Confidential Assistant to the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence). Effective January 31, 1994.

Personal and Confidential Assistant to the Assistant Secretary of Defense (Policy and Plans). Effective January 31, 1994.

Staff Specialist to the Assistant Secretary of Defense (Legislative Affairs). Effective February 3, 1994.

Staff Specialist to the Assistant Secretary of Defense (Legislative Affairs). Effective February 14, 1994.

Special Assistant to the Deputy Assistant Secretary of Defense (Peacekeeping and Peace Enforcement Policy). Effective February 16, 1994.

Foreign Affairs Specialist to the Director, Office of the Deputy Assistant Secretary of Defense (Peacekeeping and Peace Enforcement Policy). Effective February 16, 1994.

Defense Fellow to the Deputy Assistant Secretary of Defense (Drug Enforcement Policy and Support). Effective February 23, 1994.

Staff Specialist to the Deputy Assistant Secretary for Economic Reinvestment and Base Realignment and Closure. Effective February 23, 1994.

Special Assistant to the Deputy to the Under Secretary of Defense (Policy) for Policy Planning. Effective February 24, 1994.

Staff Specialist to the Deputy Under Secretary for Environmental Security. Effective February 28, 1994.

Defense Fellows to the Principal Deputy Assistant Secretary of Defense (Health Affairs). Effective February 28, 1994.

Department of Education

Special Assistant to the Assistant Secretary, Office of Special Education

and Rehabilitative Services. Effective January 5, 1994.

Director, Congressional Affairs Staff to the Assistant Secretary for Legislative and Congressional Affairs. Effective January 19, 1994.

Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services. Effective January 19, 1994.

Secretary's Regional Representative, Region IV, Atlanta, GA, to the Director, State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs. Effective January 19, 1994.

Secretary's Regional Representative, Region V, Chicago, IL, to the Director, State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs. Effective January 19, 1994.

Secretary's Regional Representative, Region IX, San Francisco, CA, to the Director, State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs. Effective January 21, 1994.

Secretary's Regional Representative, Region VII, Kansas City, MO, to the Director of the State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs. Effective January 21, 1994.

Secretary's Regional Representative, Region X, Seattle, WA, to the Director of the State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs. Effective January 21, 1994.

Special Assistant to the Under Secretary. Effective January 28, 1994.

Special Assistant to the Under Secretary. Effective January 28, 1994.

Special Assistant to the Under Secretary. Effective January 28, 1994.

Confidential Assistant to the Chief of Staff. Effective January 31, 1994.

Special Assistant to the Secretary of Education. Effective January 31, 1994.

Confidential Assistant to the Director, Intergovernmental and Constituent Services. Effective January 31, 1994.

Special Assistant to the Assistant Secretary for Intergovernmental and Interagency Affairs. Effective February 2, 1994.

Special Assistant to the Assistant Secretary for Legislation and Congressional Affairs. Effective February 10, 1994.

Confidential Assistant to the Chief of Staff. Effective February 17, 1994.

Special Assistant to the Under Secretary of Education. Effective February 18, 1994.

Deputy Director, Office of Bilingual Education and Minority Languages Affairs to the Director. Effective February 22, 1994.

Special Assistant to the Assistant Secretary, Office of Civil Rights. Effective February 22, 1994.

Deputy Secretary's Regional Representative to the Secretary's Regional Representative, Region I, Boston, MA. Effective February 22, 1994.

Confidential Assistant to the Director, Federal Interagency and International Services. Effective February 25, 1994.

Confidential Assistant to the Counselor to the Secretary. Effective February 28, 1994.

Special Assistant to the Assistant Secretary, Office of Civil Rights. Effective February 28, 1994.

Department of Energy

Special Assistant to the Director, Office of Strategic Planning and Analysis. Effective January 27, 1994.

Technology Transfer Specialist to the Director, Office of Technology Utilization. Effective January 28, 1994.

Special Assistant To the Assistant Secretary for Policy, Planning and Program Evaluation. Effective February 3, 1994.

Special Assistant to the Principal Deputy Assistant Secretary for Policy, Planning and Program Evaluation. Effective February 3, 1994.

Staff Assistant to the Senior Staff Assistant, Office of the Deputy Assistant Secretary for Gas and Petroleum Technology. Effective February 4, 1994.

Special Assistant to the General Counsel. Effective February 14, 1994.

Department of Health and Human Services

Special Assistant for Legislation to the Assistant Secretary for Health, Public Health Service. Effective January 7, 1994.

Executive Assistant to the Deputy Assistant Secretary for Health, Public Health Service. Effective January 7, 1994.

Special Assistant to the Commissioner, Administration for Children and Families. Effective January 13, 1994.

Special Assistant to the Deputy Assistant Secretary for Public Affairs (Policy and Strategy). Effective January 28, 1994.

Confidential Staff Assistant to the Director, Office of Community Services, Administration for Children and Families. Effective February 3, 1994.

Executive Director, President's Committee on Mental Retardation to the Assistant Secretary of the Administration for Children and Families. Effective February 23, 1994.

Confidential Assistant to the Deputy Assistant Secretary for Family, Community and Long-Term Care Policy. Effective February 24, 1994.

Confidential Assistant to the Principal Deputy Assistant Secretary for Planning and Evaluation. Effective February 28, 1994.

Department of Housing and Urban Development

Special Assistant to the Deputy Assistant Secretary for Operations, Federal Housing Commission. Effective January 12, 1994.

Special Assistant to the Assistant Secretary for Community Planning and Development. Effective January 13, 1994.

Special Assistant the Assistant Secretary for Housing, Federal Housing Commission. Effective January 19, 1994.

Deputy General Counsel (Finance and Regulations) to the General Counsel. Effective January 19, 1994.

Deputy Assistant Secretary for Grant Programs to the Assistant Secretary for Community Planning and Development. Effective January 19, 1994.

Staff Assistant to the Deputy Assistant Secretary for Operations, Office of Community Planning Development. Effective January 19, 1994.

Special Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs. Effective January 19, 1994.

Special Assistant to the Regional Administrator/Regional Housing Commissioner, Region V, Chicago, IL. Effective January 27, 1994.

Special Assistant to the Assistant Secretary for Policy Development and Research. Effective January 27, 1994.

Special Assistant to the Deputy Assistant Secretary for Economic Development, Office of Community Planning and Development. Effective January 28, 1994.

Special Projects Officer to the Regional Administrator-Regional Housing Commissioner, Region I, Boston, MA. Effective January 28, 1994.

Special Assistant to the Deputy Assistant Secretary for Economic Development. Effective January 31, 1994.

Staff Assistant to the Deputy Assistant Secretary for Economic Development, Office of the Assistant Secretary for Community Planning and Development. Effective January 31, 1994.

Special Assistant to the Deputy Assistant Secretary for Economic Development, Office of Community Planning and Development. Effective January 31, 1994.

Special Assistant to the Deputy Assistant Secretary for Economic Development, Office of Community Planning and Development. Effective January 31, 1994.

Staff Assistant to the Deputy Assistant Secretary for Intergovernmental Relations. Effective February 3, 1994.

Special Assistant to the Deputy Assistant Secretary for Economic Development. Effective February 3, 1994.

Special Assistant to the Assistant Secretary for Community Planning and Development. Effective February 3, 1994.

Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective February 3, 1994.

Deputy Assistant Secretary for Congressional Relations to the Assistant Secretary for Congressional and Intergovernmental Relations. Effective February 3, 1994.

Director, Hospital Mortgage Insurance Staff to the Associate General Deputy Assistant Secretary, Office of the Assistant Secretary for Housing-Federal Housing Commissioner. Effective February 9, 1994.

Special Projects Officer to the Director, Special Actions Office. Effective February 9, 1994.

Special Assistant to the Assistant Secretary for Administration. Effective February 14, 1994.

Deputy Assistant Secretary for Legislation to the Assistant Secretary for Congressional and Intergovernmental Relations. Effective February 14, 1994.

Special Assistant to the Assistant Secretary for Housing-Federal Housing Commissioner. Effective February 14, 1994.

Regional Administrator/Regional Housing Commissioner, Region VIII, Denver, Colorado, to the Senior Advisor and Assistant to the Secretary for Field Management. Effective February 14, 1994.

Regional Administrator/Regional Housing Commissioner, Region VII, Kansas City, to the Senior Advisor and Assistant to the Secretary for Field Management. Effective February 14, 1994.

Staff Assistant to the Special Assistant to the Secretary. Effective February 14, 1994.

Special Assistant to the Deputy Assistant Secretary for Distressed and Troubled Housing. Effective February 14, 1994.

Staff Assistant to the Chief Financial Officer. Effective February 14, 1994.

Staff Assistant (Typing) to the General Counsel. Effective February 17, 1994.

Special Assistant to the Regional Administrator-Regional Housing Commissioner, Region V, Chicago, IL. Effective February 25, 1994.

Special Assistant to the Deputy Assistant Secretary for Distressed and Troubled Housing. Effective February 28, 1994.

Intergovernmental Relations Specialist to the Deputy Assistant Secretary for Intergovernmental Relations. Effective February 28, 1994.

Special Assistant to the Deputy Assistant Secretary for Distressed and Troubled Housing. Effective February 28, 1994.

Department of the Interior

Public Affairs Officer to the Director, Bureau of Land Management. Effective February 14, 1994.

Department of Justice

Secretary (OA) to the United States Attorney, District of New Hampshire. Effective January 13, 1994.

Staff Assistant to the Assistant Attorney General, Civil Rights Division. Effective January 31, 1994.

Special Assistant to the Assistant Attorney General, Civil Rights Division. Effective January 31, 1994.

Secretary (OA) to the United States Attorney, District of Minnesota. Effective January 31, 1994.

Staff Assistant to the Assistant Attorney General, Office of Legislative Affairs. Effective February 10, 1994.

Confidential Assistant to the Assistant Attorney General, Office of Policy Development. Effective February 14, 1994.

Confidential Assistant to the Assistant Attorney General, Office of Legislative Affairs. Effective February 14, 1994.

Counsel to the Assistant Attorney General, Environmental and Natural Resources Division. Effective February 23, 1994.

Special Assistant to the Assistant Attorney General, Environmental and Natural Resources Division. Effective February 23, 1994.

Confidential Assistant to the Assistant Attorney General, Tax Division. Effective February 23, 1994.

Special Assistant to the Director, United States Marshals Service. Effective February 28, 1994.

Secretary (OA) to the United States Attorney, District of Maryland. Effective February 28, 1994.

Department of Labor

Secretary's Representative, Seattle, WA, to the Director, Office of Intergovernmental Affairs. Effective January 4, 1994.

Special Assistant to the Assistant Secretary for the American Workplace. Effective January 4, 1994.

Special Assistant to the Deputy Secretary of Labor. Effective January 4, 1994.

Secretary's Representative (San Francisco, CA) to the Director, Office of Intergovernmental Affairs. Effective January 11, 1994.

Special Assistant to the Deputy Assistant Secretary for Program Economics, Research and Technical Support, Office of the Assistant Secretary for Policy. Effective February 4, 1994.

Executive Assistant to the Assistant Secretary for Veterans' Employment and Training. Effective February 10, 1994.

Department of the Navy (DOD)

Staff Assistant to the Assistant Secretary of the Navy (Manpower and Reserve Affairs). Effective February 28, 1994.

Department of State

Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs. Effective January 3, 1994.

Legislative Analyst to the Director, Legislative Affairs, Office of the Under Secretary for Management. Effective January 7, 1994.

Supervisory Protocol Officer (Visits) to the Foreign Affairs Officer (Visits). Effective January 11, 1994.

Secretary (Typing) to the Assistant Secretary, Bureau of Economic and Business Affairs. Effective January 11, 1994.

Legislative Management Officer to the Assistant Secretary, Bureau of Legislative Affairs. Effective January 11, 1994.

Foreign Affairs Officer (Ceremonial) to the Chief of Protocol. Effective January 13, 1994.

Senior Advisor to the Assistant Secretary, Bureau of Inter-American Affairs. Effective January 13, 1994.

Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs. Effective January 13, 1994.

Special Assistant to the Under Secretary. Effective January 21, 1994.

Secretary (OA) to the Assistant Secretary, Bureau of Intelligence and Research. Effective January 26, 1994.

Public Affairs Specialist to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs. Effective January 26, 1994.

Special Assistant to the Assistant Secretary, Bureau of Public Affairs. Effective January 26, 1994.

Secretary to the Assistant Secretary, Bureau of Legislative Affairs. Effective January 26, 1994.

Special Assistant to the Assistant Secretary, Bureau of Consular Affairs. Effective January 26, 1994.

Secretary (Steno) to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs. Effective January 28, 1994.

Special Assistant to the Deputy Assistant Secretary for Environment and

Development, Bureau of Oceans, Environmental and Scientific Affairs. Effective January 28, 1994.

Protocol Assistant to the Foreign Affairs Officer, Office of the Chief of Protocol. Effective January 31, 1994.

Special Assistant to the Assistant Secretary, Bureau of Intelligence and Research. Effective February 8, 1994.

Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs. Effective February 24, 1994.

Department of Transportation

Special Assistant to the Deputy Administrator, Federal Highway Administration. Effective January 7, 1994.

Special Assistant to the Deputy Administrator, Federal Highway Administration. Effective January 13, 1994.

Intergovernmental Liaison Officer to the Director of Intergovernmental Affairs. Effective January 13, 1994.

Special Assistant to the Assistant Secretary for Transportation Policy. Effective January 13, 1994.

Special Assistant to the Associate Deputy Secretary. Effective February 2, 1994.

Regional Administrator, Region II, New York, N.Y., to the Deputy Administrator, Federal Transit Administration. Effective February 3, 1994.

Director, Office of Public Affairs, to the Administrator, Federal Railroad Administration. Effective February 18, 1994.

Department of the Treasury

Staff Assistant to the Assistant Secretary (Economic Policy). Effective January 4, 1994.

Director, Administrative Operations Division to the Deputy Assistant Secretary (Administration). Effective January 19, 1994.

Senior Policy Analyst to the Assistant Secretary (Enforcement). Effective January 28, 1994.

Staff Assistant to the Director, Scheduling and Advance, Office of the Secretary. Effective February 4, 1994.

Department of Veterans Affairs

Special Assistant to the Assistant Secretary for Public and Intergovernmental Affairs. Effective January 5, 1994.

Special Assistant to the Assistant Secretary for Public and Intergovernmental Affairs. Effective January 21, 1994.

Special Assistant to the Assistant Secretary for Policy and Planning. Effective February 25, 1994.

Environmental Protection Agency

Chief, Policy Counsel to the Assistant Administrator, Office of Water. Effective January 6, 1994.

Special Assistant to the Associate Administrator for Regional Operations and State/Local Relations. Effective January 25, 1994.

Export-Import Bank of the United States

Personal and Confidential Assistant to the Vice Chairman. Effective January 11, 1994.

Federal Communications Commission

Research Assistant to the Director, Office of Public Affairs. Effective February 14, 1994.

Federal Emergency Management Agency

Policy Advisor to the Director, Federal Emergency Management Agency. Effective January 21, 1994.

Federal Housing Finance Board

Special Assistant to the Board Director. Effective January 7, 1994.

Federal Mediation and Conciliation Service

Special Assistant to the Director, Federal Mediation Conciliation Service. Effective January 11, 1994.

General Services Administration

Special Assistant to the Deputy Administrator. Effective January 7, 1994.

Special Assistant to the Director of Small and Disadvantaged Business Utilization. Effective January 28, 1994.

Special Assistant to the Commissioner, Public Buildings Service. Effective February 4, 1994.

U.S. International Trade Commission

Staff Assistant (Economics) to a Commissioner. Effective February 22, 1994.

National Endowment for the Arts

Executive Secretary to the Chairman. Effective January 7, 1994.

Director of Public Affairs to the Chairman, National Endowment for the Arts. Effective January 26, 1994.

National Labor Relations Board

Confidential Assistant to a Board Member. Effective January 7, 1994.

National Transportation Safety Board

Confidential Assistant to a Member of the Board. Effective February 2, 1994.

Office of Management and Budget

Confidential Assistant to the Associate Director for Economics and Government. Effective January 31, 1994.

Office of National Drug Control Policy

Public Affairs Specialist to the Director, Office of National Drug Control Policy. Effective January 19, 1994.

Office of Science and Technology Policy

Confidential Assistant to the Associate Director for National Security and International Affairs. Effective January 28, 1994.

Office of the United States Trade Representative

Confidential Secretary (Typing) to the Chief of Staff. Effective February 28, 1994.

Confidential Assistant to the Special Counsel for Financial and Investment Policy. Effective February 28, 1994.

Securities and Exchange Commission

Secretary to the Deputy Director of Market Regulation. Effective January 24, 1994.

Secretary to the Executive Director. Effective February 14, 1994.

Secretary to the General Counsel. Effective February 14, 1994.

Small Business Administration

Regional Administrator, Region I, Boston, MA, Administrator, Small Business Administration. Effective January 4, 1994.

Regional Administrator, Region VIII, Denver, CO, to the Administrator, Small Business Administration. Effective January 4, 1994.

Special Assistant to the Associate Deputy Administrator for Business Development. Effective January 19, 1994.

Regional Administrator, Region IV, Atlanta, GA, to the Administrator, Small Business Administration. Effective January 26, 1994.

Regional Administrator, Region V, Chicago, IL, to the Administrator, Small Business Administration. Effective February 25, 1994.

United States Information Agency

Staff Director, Advisory Board for Cuba Broadcasting to the Chairman of the Advisory Board. Effective January 13, 1994.

Senior Advisor to the Associate Director, Bureau of Policy and Programs. Effective February 23, 1994.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director

[FR Doc. 94–7569 Filed 3–30–94; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP); Initiation of a Review To Consider the Designation of Uzbekhistan as a Beneficiary Developing Country Under the GSP; Notice That Certain Imports From Russia Have Exceeded the GSP Competitive Need Limits; Notice Regarding the 1994 Annual GSP Review

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and solicitation of public comment.

SUMMARY: This notice announces: (1) The initiation of a review to consider the designation of Uzbekhistan as a beneficiary developing country under the GSP program; (2) that certain imports from Russia have exceeded the competitive need limits that are set forth in the GSP law; and (3) that the TPSC will not consider whether to solicit petitions in the 1994 Annual GSP Review until after the GSP program has been renewed.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 517, Washington, DC 20506. The telephone number is (202) 395-6971.

SUPPLEMENTARY INFORMATION:

I. Uzbekhistan

A. Eligibility Review

The Trade Policy Staff Committee (TPSC) has initiated a review to determine if Uzbekhistan meets the eligibility criteria of the GSP law and should be designated as a beneficiary developing country for purposes of the GSP, which is provided for in the Trade Act of 1974, as amended (19 U.S.C. 2461–2465). The designation criteria are listed in sections 502(a), 502(b) and 502(c) of the Trade Act of 1974. The eligibility criteria mandate determinations related to participation in commodity cartels, preferential treatment provided to other developed countries, expropriation without compensation, enforcement of arbitral awards, support of international terrorism, and protection of internationally recognized worker rights. Other practices taken into account relate to the extent of market access for goods and services, investment practices and protection of intellectual property rights.

B. Public Comments

Interested parties are invited to submit comments regarding the eligibility of Uzbekhistan for designation as a GSP beneficiary. Comments must be submitted in 14 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., room 517, Washington, DC 20506. Comments must be received no later than 5 p.m. on Wednesday, May 11, 1994. Information and comments submitted regarding Uzbekhistan will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 2007.7. If the document contains business confidential information, 14 copies of a nonconfidential version of the submission along with 14 copies of the confidential version must be submitted. In addition, the submission should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version which does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

II. Certain GSP Imports From Russia

A. Competitive Need Limits

Pursuant to section 504(c) of the Trade Act of 1974 (19 U.S.C. 2464(c)), any GSP beneficiary that exported to the United States during the most recent calendar year a quantity of any one GSP eligible article in excess of (1) $25 million indexed to the nominal growth of U.S. Gross National Product (GNP) since 1974, or (2) 50 percent of the value of total U.S. imports of the article, is to be removed from GSP eligibility with respect to that article not later than July 1 of the next calendar year. The dollar limit is $108,139,456 for calendar year 1993.

Unwrought magnesium that is provided for in subheading 8104.11.00 of the Harmonized Tariff Schedule of the United States (HTS) is eligible for duty-free GSP treatment. In 1993, imports of such unwrought magnesium from Russia were valued at $35,831,095, accounting for 67.5 percent of U.S. imports from the world. Accordingly, pursuant to section 504(c) of the Trade Act of 1974, imports of unwrought magnesium from Russia will become ineligible for duty-free treatment on July 1, 1994.

B. De Minimis Waivers

Section 504(d)(2) of the Trade Act of 1974 (19 U.S.C. 2464(d)(2)) permits the President to disregard the 50 percent competitive need limit with respect to any eligible article if the value of total imports of the article during the most recent calendar year did not exceed $5 million, indexed to the nominal growth of U.S. GNP since 1979. The *de minimis* level is $12,649,159 for calendar year 1993.

Caviar that is provided for in HTS subheading 1604.30.20 and spacecraft that are provided for in HTS subheading 8802.50.90 are each eligible for duty-free GSP treatment. In 1993, imports of caviar from Russia and imports of spacecraft from Russia each exceeded the 50 percent competitive need limit, but they are each eligible for a *de minimis* wavier because, in each case, total imports from the world did not exceed $12,649,159. In 1993, imports of such caviar from Russia were valued at $5,250,983, accounting for 78.3 percent of U.S. imports from the world, and U.S. imports from the world were valued at $6,708,158. In 1993, imports of such spacecraft from Russia were valued at $190,000, accounting for 100 percent of U.S. imports from the world.

C. Public Comments on De Minimis Waivers

The TPSC hereby solicits public comments on whether the President should exercise his discretionary authority under section 504(d)(2) of the Trade Act of 1974 and disregard the 50 percent competitive need limit with respect to caviar from Russia and spacecraft from Russia. Comments must be submitted in 14 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., room 517, Washington, DC 20506. Comments must be received no later than 5 p.m. on Wednesday, May 4, 1994. Information and comments submitted regarding such discretionary, *de minimis* waivers for Russia will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 2007.7. If the document contains business confidential information, 14 copies of a nonconfidential version of the submission along with 14 copies of the confidential version must be submitted. In addition, the submission should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version which does not contain business confidential

information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

III. Notice Regarding the 1994 Annual GSP Review

As noted in the **Federal Register** on October 19, 1994 (58 FR 53959, 53961), the TPSC ordinarily would invite the submission of petitions for the 1994 Annual GSP Review on June 1, 1994, pursuant to 15 CFR 2007.3(a). However, under section 505(a) of the Trade Act of 1974, duty-free treatment provided under the GSP shall not remain in effect after September 30, 1994. Accordingly, the TPSC will not announce whether it will solicit petitions for the 1994 Annual GSP Review until after legislation renewing the GSP program has been enacted.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 94–7577 Filed 3–30–94; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–33806; File No. SR–CHX–94–03]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Inc. To Publish a Policy Concerning Instinet Terminals on the CHX Floor

March 23, 1994.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 3, 1994, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the amended proposed rule change as described in Items I, II and III below,[1] which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] The CHX initially filed the instant proposed rule change on January 31, 1994. The CHX subsequently filed Amendment No. 1 on March 3, 1994 in which it clarified the intent of the Exchange that all orders, resulting from interest reflected in the Instinet terminals, must be executed in accordance with the CHX auction market rules of priority, parity and precedence. See letter from J. Craig Long, Foley & Lardner, to Sharon Lawson, Assistant Director, Division of Market Regulation, Commission, dated March 2, 1994.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") has issued the Notice to Members which constitutes a stated policy requiring that any orders received or originated on the floor clear the post prior to execution.[2] In sum, the Notice reinforces the status of INC Trading Corporation ("INCT") (an Instinet subsidiary) as an exchange member, and as such, all executions resulting from bids and offers reflected on Instinet terminals resident on the CHX floor constitute "orders" which are "communicated" to the CHX floor.[3] Therefore, all such orders are to be handled as any other order communicated to the floor and must be presented to the post during normal trading hours.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed change is to publish to members an existing Exchange policy concerning the use of Instinet terminals on the CHX floor and the manner in which orders that result from interest reflected in the Instinet system must be handled on the floor. Among other things, the Notice to Members makes clear that all orders resulting from interest reflected on Instinet terminals on the CHX floor must be handled as any other order communicated to the floor. As such, those orders must be presented to the post during normal trading hours.

[2] The Notice of Members is consistent with the clearing the post requirement already adopted in Securities Exchange Act Release Nos. 17766 (May 4, 1981), and 28638 (November 21, 1990). See also CHX Article XXXIV; Rule 1, Article VIII, Rule 7; and Article XX, Rule 10.

[3] The CHX emphasizes that all trades between Instinet and CHX floor members are CHX trades and must be executed on the CHX.

This clearing the post requirement is consistent with prior Commission approval orders (Securities Exchange Act Release No. 17766 approving SR–MSE–81–3 and SR–MSE–81–5 and Securities Exchange Act Release No. 28638 approving SR–MSE–90–7). These prior approval orders explain the Exchange's clearing the post requirements. Although there are differences in the requirements as they apply to market makers and brokers, at a minimum, to preserve existing auction-market principles, the Exchange's clearing the post rules require the broker or market maker to be physically present at the post.

A Market Maker, after requesting the specialist's market quote, must bid or offer the price and size of his intended interest at the post. A Floor Broker must clear the post by requesting a market quote from the specialist. If the specialist or any other member who has the post indicates an interest to trade at the price that was bid or offered by the market maker or the price of the floor broker's order (even though that order has not yet been bid or offered), then the trade may be consummated with the specialist (or whomever has the post) in accordance with existing CHX priority, parity and precedence rules. If the specialist (or any other member who has the post) indicates an interest to trade at that price but the member communicating the Instinet interest determines not to consummate the trade with the specialist or such member, then, to preserve the Exchange's existing priority, parity, and precedence rules, the trade may not be done with any other CHX floor member. (See Article XXX, Rule 2.) If the trade is consummated with the specialist or other member who has the post, the specialist (or any customer represented by the specialist) is not required to pay any fees to the broker or market maker in connection with the execution of the order.

The Exchange's clearing the post policy derives from a floor broker's fiduciary responsibility to seek the best price execution for his or her order and from the responsibility of floor brokers and market makers to adhere to traditional agency/auction market principles on the floor. Failure to clear the post may result in a "trade-through" or "trading ahead" of other CHX floor interest. (See Article XX, Rule 40.) In addition, failure to properly clear the post may result in a violation of the CHX Just and Equitable Trade Principles Rule (Article VIII, Rule 7) and a market maker rule that requires all market maker transactions to constitute a course of dealing reasonably calculated

to contribute to the maintenance of a fair and orderly market (Article XXXIV, Rule 1).

The Notice to Members specifically provides that all orders resulting from an interest on the Instinet terminal, once presented to the specialist post, are to be treated as follows:

1. If the specialist indicates an interest to trade at the price, then the trade must be consummated with the specialist without requiring the specialist, or any customer order represented by the specialist, to pay any fees in connection with the execution of such order.
2. If the specialist indicates an interest to trade at the price but the member communicating the Instinet interest determines not to consummate the trade with the specialist, the trade may not be done with any other CHX floor member.
3. If the specialist does not indicate an interest to trade, then the trade may be done with another CHX floor member on this floor with a resultant CHX print.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The proposed rule change has been endorsed by the Exchange's Floor Procedure Committee.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule of the Exchange and therefore has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CHX. All submissions should refer to File No. SR–CHX–94–03 and should be submitted by April 21, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–7646 Filed 3–30–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–33805; File No. SR–DGOC–94–01]

Self-Regulatory Organizations; Delta Government Options Corp.; Notice of Filing of Proposed Rule Change Relating to the Definition of Exercise Date

March 23, 1994.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on January 18, 1994, Delta Government Options Corp. ("DGOC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–DGOC–94–01) as described in Items I, II, and III below, which Items have been prepared primarily by DGOC, a self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1) (1988).

I. SRO's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend DGOC's definition of "expiration date," found in Article I of DGOC's Procedures, to provide that the expiration date may occur on any business day on or before the second anniversary of the writing of the option contract. DGOC's rules currently provide that the expiration date will be on the last Friday of any month on or before the second anniversary of the writing of the option.

II. SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DGOC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DGOC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. SRO's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to respond to the requests of DGOC participants that DGOC afford them the opportunity to select expiration dates that match more precisely the tenor of other financial contracts developed in the over-the-counter market and in other trading environments. DGOC believes that by affording its participants a larger spectrum of expiration dates its participants will be able to select those expiration dates that are most suited to each participant's individual trading needs.

DGOC believes that the proposed rule change is consistent with the Act, particularly section 17A of the Act,[2] and the rules and regulations thereunder applicable to DGOC because it will permit more utilization of DGOC systems by those participants who prefer to trade in options for hedging purposes or speculation. In particular, DGOC believes that the tailoring of the options expiration on the basis proposed by DGOC will afford its participants additional flexibility to adjust duration in relation to their overall treasury security portfolios. The proposal, moreover, will enable participants to submit for processing at DGOC treasury options trades that prior to this proposal could not have been

[2] 15 U.S.C. 78q–1 (1988).

submitted because their stated expiration dates were not available through DGOC. DGOC further states that the proposal will allow for automated clearance and settlement of securities transactions that, otherwise, would require clearance through a decentralized, inefficient, and labor-intensive process.

B. SRO's Statement on Burden on Competition

DGOC believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. SRO's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

DGOC has not solicited or received any comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the SRO consents, the Commission will:

(A) By order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DGOC. All submissions should refer to File No. SR–DGOC–94–01 and should be submitted by April 21, 1994.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[3]

Jonathan G. Katz,

Secretary.

[FR Doc. 94–7645 Filed 3–30–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–33793; File No. SR–NASD–94–2]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Creating Guidelines for Communications to the Public About Variable Life and Annuity Products

March 21, 1994.

On January 6, 1994, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change[1] pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[2] and Rule 19b–4 thereunder.[3] The rule change creates specific guidelines ("Guidelines") under the NASD's rule concerning Communications With the Public.[4] In particular, these Guidelines impose certain requirements on members who communicate with the public about variable life and annuity products.

Notice of the proposed rule change together with its terms of substance was provided by issuance of a Commission release and by publication in the **Federal Register**.[5] No comments were received in response to the Commission release. This order approves the proposed rule change.

The increase in the number of variable life insurance and annuity products[6] has led to an increase in the variety of ways in which information about these products is communicated to the public. To ensure that its members do not mislead prospective investors, the NASD has proposed a comprehensive set of Guidelines for communicating with the public regarding these products. The Guidelines govern the preparation of, and communication with the public through, advertising and sales literatures for variable products. The Guidelines are intended to provide a level of disclosure sufficient to assist investors in making fair and informed investment decisions.

The standards set forth in the Guidelines are in addition to the standards set forth in Article III, Section 35 to the rules of Fair Practice ("Rules").[7] The NASD is issuing the Guidelines pursuant to the Board of Governors authority to interpret the Rules.[8]

The Commission has determined to approve the NASD's proposal. The Commission finds that the rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, including the requirements of Section 15A(b)(6) of the Act.[9] Section 15A(b)(6) requires, in part, that the rules of the NASD be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and to protect investors and the public interest. These Guidelines will provide greater protection to investors and the public interest by adding to Section 35 of the NASD's Rules of Fair Practice comprehensive Guidelines governing advertising and sales literature for variable products. The Guidelines establish minimum standards and are intended to provide a level of disclosure sufficient to assist investors in making fair and informed investment decisions.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change SR–NASD–94–2 be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–7604 Filed 3–30–94; 8:45 am]

BILLING CODE 8010–01–M

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[3] 17 CFR 200.30–3(a)(12) (1993).

[1] The NASD amended the proposed rule change once subsequent to its original filing on January 6, 1994. Letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Selwyn Notelovitz, Branch Chief, SEC (Feb. 9, 1994). The Commission's publication for notice and comment reflected the NASD's amendment.

[2] 15 U.S.C. 78s(b)(1) (1988).

[3] 17 CFR 240.19b–4 (1993).

[4] NASD Manual, Rules of Fair Practice, Art. III, Sec. 35, (CCH) ¶ 2195.

[5] Securities Exchange Act Release No. 33607 (Feb. 9, 1994), 59 FR 7279 (Feb. 15, 1994). The release number that appeared in the **Federal Register** was 33067; this was subsequently corrected; 59 FR 9523 (Feb. 28, 1994).

[6] See e.g., Ellen E. Schultz, Investors are Flocking to Fund Cousins; Variable Annuities, Wall St. J., Jan. 7, 1994, at R11.

[7] NASD Manual, Rules of Fair Practice, Art. III, Sec. 35, (CCH) ¶ 2195 (Communications with the Public).

[8] NASD Manual, By-Laws, Art. VII, Sec. 1(a)(2), (CCH) ¶ 1181.

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 17 CFR 200.30–3(a)(12).

[Release No. 34–33810; File No. SR–Phlx–93–45]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. ("Phlx"), Relating to the Listing and Trading of Quarterly Index Expiration Options on All Stock Indexes for Which Index Options are Listed for Trading by the Phlx

March 24, 1994.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 24, 1993, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b–4 of the Act, proposes a rule change to provide for the listing and trading of quarterly index expiration ("QIX") options on the Gold and Silver ("XAU") Index, the Utility ("UTY") Index, the National Over-the-Counter ("XOC") Index, the Value Line ("VLE") Index, and the Bank ("BKX") Index. The text of the proposed rule change is available at the Office of the Secretary, the Phlx, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The Phlx proposes a rule change to list QIX options on the XAU, VLE, UTY, XOC, and BKX Indexes. The proposed QIX options would expire on the first business day of the calendar quarter for p.m.-settled index options and on the second business day of the calendar quarter for a.m.-settled index options. Accordingly, the XAU, UTY, VLE, and XOC index options, whose settlement values are currently determined using closing values of the component securities, would have their QIX settlement values determined on the close of the last business day of the calendar quarter and would expire on the first business day of the next quarter. The BKX index options, whose settlement value is currently determined using the opening values of the component securities, would have its QIX settlement value determined on the opening of the first business day of the next calendar quarter and would expire on the second business day of that quarter.

The Exchange's proposal would allow for the listing of up to eight quarterly expirations at any given time, however, at the present time, the Exchange will not list or trade QIX options with more than 12 months to expiration.[2] For example, if Phlx began listing QIX options in April 1994, there could be QIX options series listed with expirations in July 1994, October 1994, January 1994, and April 1995. Finally, in reference to position and exercise limits, Phlx proposes to aggregate QIX options based on a particular index with existing options contracts based on the same index.[3] With respect to all other contract features, the proposed QIX options will be subject to the same rules that presently govern the trading of existing options contracts including: Contract terms; sales practice rules; margin requirements; and floor trading procedures.

According to the Exchange, portfolio managers and institutional investors frequently engage in "quarterly hedging strategies" as their performance is often judged on a quarterly basis. The Phlx believes the proposed rule change will provide investment managers and other institutional investors with a strategic tool to accommodate their hedging and investment needs.

The Phlx also notes that other options exchanges already list and trade QIX options on various stock indexes[4] and in this respect, the Phlx represents that the Options Clearing Corporation ("OCC") will accommodate the proposed Phlx QIX options.

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act in general, and with Section 6(b)(5), in particular, in that it is designed to facilitate transactions in securities, to perfect the mechanism of a free and open market, and to protect investors and the public interest. Specifically, the Exchange believes that consistent with Section 6(b)(5) of the Act, the proposal would extend the benefits of a valuable new product to the investing public and provide competition to other similar products already available in the securities markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

[1] On March 21, 1994, the Exchange filed Amendment No. 1 to the proposed rule change. Amendment No. 1 amends (1) certain Phlx rules to add references to quarterly index expiration ("QIX") options, and (2) Rule 1001A(d) to state that positions in QIX options will be aggregated with full-value, reduced-value, and long-term index options based on the same index. The Phlx also represents that at the present time, it will not list QIX options with more than 12 months to expiration. See Letter from Catherine Humphrey, Law Clerk, Phlx, to Sharon Lawson, Office of Derivatives and Equity Oversight, Division of Market Regulation, Commission, dated March 18, 1994 ("Amendment No. 1").

[2] *Id.* The Commission notes that any proposal to list or trade QIX options with more than twelve months to expiration must be filed with the Commission for review under Section 19(b)(2) of the Act.

[3] *Id.*

[4] See, *e.g.*, Securities Exchange Act Release No. 32693 (July 29, 1993), 58 FR 41817 (August 5, 1993) (QIX options on the Russell 2000 Index listed and traded on the Chicago Board Options Exchange).

arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–93–45 and should be submitted April 21, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–7605 Filed 3–30–94; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 20159; 812–8770]

The Woodward Funds; Notice of Application

March 24, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: The Woodward Funds ("Woodward"), NBD Bank, N.A. ("NBD"), First of Michigan Corporation ("FMC"). Applicants will be deemed to include, where appropriate, each current and pending Woodward portfolio as well as any subsequently created portfolio.

RELEVANT ACT SECTIONS: Order requested under sections 6(c) and 17(b) for an exemption from sections 12(d)(1) and 17(a), and pursuant to section 17(d) and rule 17d-1 to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants seek an order to permit certain non-money market series of Woodward to utilize the cash reserves that have not been invested in portfolio securities ("Uninvested Cash") to purchase shares of one or more of the money market series of Woodward.

FILING DATE: The application was filed on January 12, 1994. In a letter dated March 24, 1994, applicants' counsel stated that an additional amendment will be filed, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 18, 1994, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Woodward, c/o NBD Bank, N.A., Transfer Agent, P.O. Box 7058, Troy, Michigan 48007; NBD, 611 Woodward Avenue, Detroit, Michigan 48336; FMC, 100 Renaissance Center, 26th Floor, Detroit, Michigan 48243.

FOR FURTHER INFORMATION CONTACT: Joseph G. Mari, Senior Special Counsel, (202) 272–3030, or Barry D. Miller, Senior Special Counsel, (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Woodward, a Massachusetts business trust, is an open-end management investment company registered under the Act. Woodward offers shares in fourteen separate investment portfolios, five of which are money market funds (the "Money Market Funds") and nine of which are non-money market funds (the "Non-Money Market Funds").[1] NBD is the investment adviser, transfer agent, and custodian for each of Woodward's portfolios. NBD is entitled to receive an investment advisory fee from Woodward based upon a percentage of each portfolio's net assets and a percentage of the gross income earned by certain of the portfolios on loans of their securities.[2] NBD's fees for serving as transfer agent are based primarily on the number of shareholder accounts and share transactions, and are not based on a percentage of net assets. As custodian, NBD Bank is entitled to receive (i) from the Money Market Funds specified fees for each clearing and settlement transaction, accounting and safe-keeping transaction with respect to investments and activity in master control and master settlement accounts, and (ii) from the Non-Money Market Funds, specified fees based upon a percentage of each portfolio's net assets, as well as annual account fees, asset fees, security transaction fees, and accounting statement fees.

2. FMC, a Delaware corporation, as sponsor and distributor of the portfolios, receives a fee from Woodward based upon a percentage of each portfolio's net assets.

3. The Non-Money Market Funds invest in a variety of debt and/or equity securities. The Money Market Funds seek current income, liquidity and capital preservation by investing in short-term money market instruments such as U.S. Government securities, bank obligations, commercial paper, municipal obligations, or repurchase agreements secured by Government securities.

4. Each Non-Money Market Fund has, or may be expected to have, Uninvested Cash in its custodian bank which either may be invested directly in individual short-term money market instruments, or may not otherwise be invested in any portfolio securities. Uninvested Cash of such Non-Money Market Funds may result from a variety of sources, including dividends or interest received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of investment securities to meet anticipated redemptions and dividend payments, and new monies received from investors.

5. Applicants seek an order that would permit the Non-Money Market Funds to utilize Univested Cash to purchase shares of one or more of the Money Market Funds and the Money Market Funds to sell their shares to, and to redeem their shares from, the Non-

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[5] 17 CFR 200.30–3(a)(12) (1993).

[1] Woodward has under registration four other separate investment portfolios which will be Non-Money Market Funds.

[2] NBD has not engaged in any transactions involving loans of Woodward's securities for which NBD has received any compensation, and it will not engage in such transactions unless the SEC permits it to do so.

Money Market Funds.[3] The Uninvested Cash held by an individual Non-Money Market Fund at any particular time may not be large enough generally to make economical direct investments in money market instruments. By investing Uninvested Cash in Money Market Funds, the Non-Money Market Funds will reduce their transaction costs, create more liquidity, enjoy greater returns on the Uninvested Cash, and further diversify their holdings.

6. Under the proposal, no sales charge, contingent deferred sales charge, rule 12b–1 fee, or other underwriting or distribution fee would be charged by a Money Market Fund, or by the distributor, with respect to purchases of shares of such Money Market Funds made with Uninvested Cash by any Non-Money Market Fund, or upon the redemption of shares of such Money Market Funds by any Non-Money Market Fund. The shareholders of the Non-Money Market Funds would not be subject to the imposition of double management fees. NBD will reduce its fees charged to each Non-Money Market Fund by an amount equal to the net asset value of the Non-Money Market Fund's holdings in any Money Market Fund times the rate at which advisory and other fees are charged by NBD to such Money Market Funds (excluding amounts that could have been charged but were waived); provided that such fees are based on a percentage of the Money Market Fund's net assets (the "Reduction Amount").

7. If NBD waives any portion of its Non-Money Market Fund fees or bears any portion of the expenses of a Non-Money Market Fund (an "Expense Waiver"), the adjusted fees for the Non-Money Market Fund (gross fees minus Expense Waiver) will be calculated without reference to the Reduction Amount. If the Reduction Amount exceeds adjusted fees, NBD will reimburse the appropriate Non-Money Market Fund in an amount equal to such excess.

8. To ensure that the Non-Money Market Funds will not exert any undue influence in the voting process for any matter submitted to a vote by the shareholders of the Money Market Funds, the Non-Money Market Funds will vote their shares of each of the Money Market Funds in proportion to the vote by all other shareholders of such Money Market Fund. The Non-Money Market Funds will purchase and redeem shares of each of the Money Market Funds at the same time and price, and will receive dividends and bear expenses on the same basis, as all other shareholders of such Money Market Fund. The Money Market Funds each will establish a separate account on their books for each of the Non-Money Market Funds which have invested therein. If a Non-Money Market Fund were to require cash for any expenditure, investment, or redemption of its shares, it would redeem the exact amount of shares of Money Market Funds needed for such purposes.

9. Applicants also request relief that would permit the Non-Money Market Funds to invest Uninvested Cash in, and hold shares of, a Money Market Series in excess of the percentage limitations set forth in section 12(d)(1)(A). The value of the shares held by a Non-Money Market Fund, however, will be limited as follows: (a) Each Non-Money Market Fund will be permitted to invest Uninvested Cash in, and hold shares of, a Money Market Fund only to the extent that (i) the Non-Money Market Fund's aggregate investment in the Money Market Fund does not exceed the greater of 5% of such Non-Money Market Fund's total net assets or $2.5 million, and (ii) the Non-Money Market Fund's aggregate investment in all investment companies (including all Money Market Funds) does not exceed 10% of such Non-Money Market Fund's total net assets; and (b) no single Non-Money Market Fund will be permitted to own more than 3% of the outstanding shares of any single Money Market Fund or any other investment company.

10. The investment by the Non-Money Market Funds in shares of the Money Market Funds will be in accordance with each Woodward portfolio's investment restrictions and will be consistent with their policies as recited in each portfolio's registration statement.

Applicants' Legal Analysis

1. Under section 6(c), the SEC may exempt any person or transaction from any provision of the Act or any rule thereunder to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants seek relief under section 6(c) for an exemption from section 12(d)(1)(A), and so the exemption granted from section 17 applies to a class of transactions, rather than to a single transaction. The proposed transactions meet the standards for relief under section 6(c) because they will allow the applicant Funds to increase their return on investments, reduce certain transaction costs, and avoid a reduction in or possible loss of investment opportunities.

2. Section 12(d)(1)(A) sets certain limits on an investment company's ability to invest in the shares of another investment company. Section 12(d)(1) is intended to protect an investment company's shareholders from undue influence over portfolio management through the threat of large scale redemptions, the acquisition of voting control, the layering of sales charges and advisory fees, and the creation of a complex structure that makes it difficult for a stockholder to ascertain the true value of the subject security. Applicants' proposal does not create any of those perceived abuses.

3. Section 17(a) makes it unlawful for any affiliated person of a registered investment company, acting as principal, to sell any security to, or purchase any security from, such investment company. The portfolios of Woodward might be deemed to be affiliated persons of each other by virtue of being under common control because Woodward has one board of trustees.

4. Section 17(b) permits the SEC to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.[4]

5. Section 17(d) and rule 17d–1 thereunder, in the absence of an order granted by the SEC, prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or other joint arrangement in which any such registered investment company, or a company controlled by such registered company is a participant. Under rule 17d–1, the SEC may permit a proposed joint transaction if participation by a registered investment company is consistent with the provisions, policies and purposes of the Act and not on a basis less advantageous than that of other participants.

6. The terms of the proposed transactions are consistent with the

[3] Prior to submission of this application, certain of the applicants had participated in such activity. Applicants have discontinued such practice pending their receipt of an exemptive order of the SEC. Any exemptive relief only will be prospective in its application.

[4] The policies of the Non-Money Market Funds permit the purchase and sale of money market instruments, including shares of a money market fund.

provisions, policies and purposes of the Act and participation by Woodward is not on a basis different from or less advantageous than that of other participants. The investment by the Non-Money Market Funds in shares of the Money Market Funds would be on the same basis and would be indistinguishable from any other shareholder account maintained by the Money Market Funds. The Non-Money Market Funds will participate on a fair and reasonable basis, relative to the size of their investment, in the returns and expenses of the Money Market Funds.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Money Market Funds will calculate their net asset values in accordance with rule 2a–7 under the Act.

2. The shares of the Money Market Funds sold to and redeemed from the Non-Money Market Funds will not be subject to a sales load, redemption fee, or distribution fee under a plan adopted in accordance with rule 12b–1.

3. NBD will reduce its fees charged to each Non-Money Market Fund by the Reduction Amount.

4. If NBD waives any portion of its Non-Money Market Fund fees or bears any portion of the expenses of a Non-Money Market Fund (an "Expense Waiver"), the adjusted fees for the Non-Money Market Fund (gross fees minus Expense Waiver) will be calculated without reference to the Reduction Amount. Adjusted fees then will be reduced by the Reduction Amount. If the Reduction Amount exceeds adjusted fees, NBD will reimburse the appropriate Non-Money Market Fund in an amount equal to such excess.

5. Each of the Non-Money Market Funds will be permitted to invest Uninvested Cash in, and hold shares of, a Money Market Fund only to the extent that (a) the Non-Money Market Fund's aggregate investment in the Money Market Fund does not exceed the greater of 5% of the Non-Money Market Fund's total net assets, or $2.5 million, and (b) the Non-Money Market Fund's aggregate investment in all investment companies (including all Money Market Funds) does not exceed 10% of such Non-Money Market Fund's total net assets. No Non-Money Market Fund of Woodward will be permitted to own more than 3% of the total outstanding voting stock of any Money Market Fund or of any other investment company. For purposes of these limitations, each Woodward portfolio will be treated as a separate investment company. Accordingly, a single Non-Money Market Fund's investments and share ownership of a particular Money Market Fund will not be aggregated with the Non-Money Market Fund investments and share ownership of any other Woodward portfolio for purposes of determining whether the foregoing limitations have been satisfied.

6. The Non-Money Market Funds will vote their shares of each of the Money Market Funds in the same proportion as the votes of all other shareholders in such Money Market Funds.

7. The Non-Money Funds will purchase and redeem shares of each of the Money Market Funds as of the same time and at the same price, and will receive dividends and bear their proportionate share of expenses on the same basis, as other shareholders of such Money Market Funds. A separate account will be established in the shareholder records of each of the Money Market Funds for each of the acquiring Non-Money Market Funds.

8. All reductions and reimbursements of Non-Money Market Fund fees in connection with the purchase and sale of shares of the Money Market Funds as described herein will be permanent and will not be subject to recoupment by NBD or by any future service providers at a later date.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–7603 Filed 3–30–94; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 1971]

Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission, Partially Closed Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet on April 28, 1994, in the Conference Room of the Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California. This session will discuss the 1993 fishing year, the status of the tuna and dolphin stocks of the eastern Pacific Ocean, and developments affecting the fishery since the last annual meeting of the Commission. The morning session will be open to the public.

The Advisory Committee will also meet in an afternoon session on April 28, 1994. This session will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the Annual Meeting of the Inter-American Tropical Tuna Commission to be held in Venezuela, June 7–9, 1994. The members of the Advisory Committee will examine various options for the negotiating position at the Annual Meeting, and these considerations must necessarily involve review of classified matters. Accordingly, the determination has been made to close the afternoon session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Mr. Brian S. Hallman, Deputy Director, Office of Marine Conservation (OES/OMC), room 5806, U.S. Department of State, Washington, DC 20520–7818. Mr. Hallman can be reached by telephone on (202) 647–2335 or by FAX (202) 736–7350.

Dated: March 17, 1994.

David A. Colson,

Deputy Assistant Secretary for Oceans Affairs.

[FR Doc. 94–7674 Filed 3–30–94; 8:45 am]

BILLING CODE 4710–09–M

[Public Notice 1970]

Overseas Schools Advisory Council Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Annual Meeting on Wednesday, June 15, 1994 at 9:30 a.m. in Conference Room 1207, Department of State Building, 2201 C Street, NW., Washington, DC. The meeting is open to the public.

The Overseas Schools Advisory Council works closely with the U.S. business community in improving those American-sponsored schools overseas which are assisted by the Department of State and which are attended by dependents of U.S. government families and children of employees of U.S. corporations and foundations abroad.

This meeting will deal with issues related to the work and the support provided by the Overseas Schools Advisory Council to the American-sponsored overseas schools.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Access to the State Department is controlled and individual building passes are required for each attendee. Persons who plan to attend

should so advise the office of Dr. Ernest N. Mannino, Department of State, Office of Overseas Schools, SA–29, room 245, Washington, DC 20522–2902, telephone 703–875–7800, prior to June 6, 1994. Visitors will be asked to provide their date of birth and Social Security number at the time they register their intention to attend and must carry a valid photo ID with them to the meeting. All attendees must use the C Street entrance to the building.

Dated: March 9, 1994.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 94–7673 Filed 3–30–94; 8:45 am]

BILLING CODE 4710–24–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

DATES: March 22, 1994.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to Edward Clarke, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395–7340. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB official of your intent immediately.

FOR FURTHER INFORMATION CONTACT: Copies of the DOT information collection requests submitted to OMB may be obtained from Susan Pickrel or Annette Wilson, Information Management Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4735.

SUPPLEMENTARY INFORMATION: Section 3507 of title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to OMB for approval or renewal under that Act. OMB reviews and approves agency submissions in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Items Submitted to OMB for Review

The following information collection requests were submitted to OMB on March 22, 1994:

DOT No: 3902.
OMB No: 2120–0552.
Administration: Federal Aviation Administration.
Title: Suspected Unapproved Part Notification 8120–11.
Need for Information: Section 601 of the Federal Aviation Act of 1958 empowers the Secretary of Transportation to provide reasonable rules and regulations for minimum standards governing the design, materials, workmanship, construction, and performance of aircraft, aircraft engines, and propellers as may be required to ensure safety in air transportation. Submission of the Suspected Unapproved Parts Notification, FAA Form 8120–11, is necessary to ensure that only FAA approved parts are installed, ensuring that continued airworthiness is maintained.
Proposed Use of Information: The notification information is collected and correlated by the FAA and will be used to determine if an unapproved part investigation is in fact warranted. When unapproved parts are confirmed that are likely to exist on other products or aircraft of a similar design or being used in other facilities, the information is used as a basis for aviation industry alerts. Alerts are used to inform industry of situations essential to the prevention of accidents.
Frequency: On occasion.
Burden Estimate: 450 hours.
Respondents: Manufacturers, repair station operators, owners/operators, and the general public.
Form(s): FAA Form 8120–11.
Average Burden Hours Per Response: 18 minutes reporting.
DOT No: 3903.
OMB No: 2120–0517.
Administration: Federal Aviation Administration.
Title: FAR part 150—Airport Noise Compatibility Planning.
Need for Information: Sections 103(a)(1) and 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (ASNA Act), as amended, permit airport operators to voluntarily submit noise exposure maps and noise compatibility programs to the FAA. Section 103(a)(2) of the ASNA Act requires the operator of an airport which has submitted a noise exposure map to the FAA to revise and resubmit the noise exposure map if any change in the operation of the airport would create any substantial new non-compatible use in any area surrounding the airport. FAR part 150 is the principal means of implementation of the ASNA Act, and it further details and clarifies the requirements set forth in the Act.
Proposed Use of Information: The information will be used by the FAA in conducting its ASNA Act required reviews of the submissions. FAA approval makes these programs' noise compatibility projects eligible for a 10 percent set-aside of discretionary grant funds under the FAA Airport Improvement Program.
Frequency: On occasion.
Burden Estimate: 54,900 hours.
Respondents: State and local governments (airport operators).
Form(s): None.
Average Burden Hours Per Response: 5 person years for a medium or large hub airport, and 1 person year for each small hub airport, reliever airport, or small heliport.
DOT No: 3904.
OMB No: 2120–0007.
Administration: Federal Aviation Administration.
Title: Flight Engineers and Flight Navigators, FAR 63.
Need for Information: Sections 602 and 607 of the Federal Aviation Act of 1958 authorize the issuance of airman certificates and provide for examination and rating of flying schools. FAR 63 prescribes requirements for certification of flight engineers and flight navigators and training course requirements for these two categories of airmen.
Proposed Use of Information: The information is used to determine applicant eligibility for flight engineer or flight navigator certificates and to determine training course acceptability for those schools training flight engineers or navigators.
Frequency: On occasion.
Burden Estimate: 25,420 hours.
Respondents: Individuals and businesses (flight engineers and flight navigators and the schools training flight engineers and flight navigators).
Form(s): FAA Form 8400–3.
Average Burden Hours Per Response: 30 minutes reporting; 844 hours and 17 minutes recordkeeping.

DOT No: 3905.
OMB No: 2120–0010.
Administration: Federal Aviation Administration.
Title: Repair Station Certification—FAR part 145.
Need for Information: Section 607 of the Federal Aviation Act of 1958 authorizes certification of repair stations for the repair, alteration, and maintenance of aircraft. Title 14 CFR part 145 prescribes rules governing certification repair station operation and the issuance of certificates.
Proposed Use of Information: The information collected will be used for certification and to determine compliance. The information collected on FAA Form 8310–3, Application for Repair Station Certificate and/or Rating, is required from applicants who wish repair station certification. When all the FAR part 145 requirements have been met, an air agency certificate and repair station operations specification with appropriate ratings and limitations are issued.
Frequency: On occasion.
Burden Estimate: 276,938 hours.
Respondents: Repair stations.
Form(s): FAA Form 8310–3.
Average Burden Hours Per Response: 55 hours and 47 minutes reporting; 45 hours and 47 minutes recordkeeping.
DOT No: 3906.
OMB No: 2133–0029.
Administration: Maritime Administration.
Title: Shipbuilding Orderbook and Shipyard Employment.
Need for Information: In accordance with the Merchant Marine Act of 1936, as amended, the Maritime Administration continuously monitors the shipbuilding and ship repair industry in an effort to determine if an adequate mobilization base exists for national defense and for use in a national emergency.
Proposed Use of Information: The information will be used to formulate national shipbuilding policies and to ensure that an adequate mobilization base exists.
Frequency: Quarterly.
Burden Estimate: 38 hours.
Respondents: U.S. commercial shipyards.
Form(s): MA–832.
Average Burden Hours Per Response: 30 minutes reporting.
DOT No: 3907.
OMB No: New.
Administration: Federal Aviation Administration.
Title: FAA Manufacturing Inspection User Questionnaire.
Need for Information: The information is needed to assess customer needs, obtain suggestions, and identify opportunities for improvement.
Proposed Use of Information: This information will be used by FAA's Manufacturing Inspection District Offices to solve problems and to generally improve service to aircraft manufacturers.
Frequency: Annually.
Burden Estimate: 275 hours.
Respondents: FAA regulated aircraft manufacturers.
Form(s): Questionnaire.
Average Burden Hours Per Response: 30 minutes reporting.
DOT No: 3908.
OMB No: 2133–0511.
Administration: Maritime Administration.
Title: EUSC/Parent Company.
Need for Information: The information will be used for contingency planning for sealift requirements primarily as a source of ships to move essential oil and bulk cargoes in support of the national economy.
Proposed Use of Information: The verification of information on vessels that could be vital in a national or international emergency is essential to the logistical support planning by MARAD's Office of National Security Plans and the Logistics Plans Division of the Office of the Chief of Naval Operations.
Frequency: Annually.
Burden Estimate: 29 hours.
Respondents: Vessel operators.
Form(s): None.
Average Burden Hours Per Response: 28 minutes reporting.
DOT No: 3909.
OMB No: 2115–0133.
Administration: U.S. Coast Guard.
Title: Various Forms and Posting Requirements under title 46 CFR, Concerning Vessel Inspections.
Need for Information: This information collection requirement is needed to enable the Coast Guard to fulfill its responsibilities for marine safety under title 46 U.S. Code.
Proposed Use of Information: This information collection will be used to ensure that vessel owners: (1) Give advance notice to have their cargo gear tested and examined by the Coast Guard; (2) notify the Coast Guard when a vessel is placed in drydock to have the underwater portion of the vessel examined; (3) inform the Coast Guard of repairs or alterations of the vessel; and (4) are granted the right to appeal the suspension or revocation of a vessel Certification of Inspection.
Frequency: On occasion.
Burden Estimate: 3,191 hours.
Respondents: Commercial vessel owners, operators, masters and agents.
Form(s): CG–841, CG–854, CG–948, CG–950, CG–2832, CG–4504.
Average Burden Hours Per Response: 5 minutes reporting; 11 minutes recordkeeping.
DOT No: 3910.
OMB No: 2120–0025.
Administration: Federal Aviation Administration.
Title: Crewmember Certificate Application.
Need for Information: The information is needed to comply with FAR 121, sections 721 and 723, and FAR 135.43, which authorizes issuance of FAA Form 8060–6, Crewmember Certificate Application.
Proposed Use of Information: The information collected on the form will be used for issuing a certificate used by international flight crewmembers of U.S. air carriers in lieu of a passport, thus facilitating entry and re-entry into ICAO contracting countries.
Frequency: On occasion.
Burden Estimate: 165 hours.
Respondents: International flight crewmembers of U.S. air carriers.
Form(s): FAA Form 8060–6.
Average Burden Hours Per Response: 8 minutes reporting.
DOT No: 3911.
OMB No: 2115–0542.
Administration: U.S. Coast Guard.
Title: Station Bill.
Need for Information: Manned Outer Continental Shelf (OCS) facilities, with the exception of mobile offshore drilling units, are required to meet the provisions set forth in 33 CFR 146.130, Station Bills, which provides an efficient means of disseminating information to all personnel as to their duties, duty station and signals used in an emergency and during drills.
Proposed Use of Information: The information collected will be posted by the person-in-charge of each manned OCS facility to ensure that personnel are familiar with their particular duties in case of an emergency and to reduce the likelihood of personnel injuries during an emergency.
Frequency: On occasion.
Burden Estimate: 1,898 hours.
Respondents: Owners/operators of manned fixed and floating OCS facilities.
Form(s): None.
Average Burden Hours Per Response: 2 hours recordkeeping.
DOT No: 3912.
OMB No: 2115–0525.
Administration: U.S. Coast Guard.
Title: Incorporation and Adoption of Industry Standards into 33 CFR and 46 CFR Subchapters.
Need for Information: This information collection requirement is

authorized by 33 CFR and 46 CFR part 162 to give Coast Guard the authority to inspect safety equipment and materials to ensure that they meet the minimum levels of performance and safety.

Proposed Use of Information: Coast Guard will use this information collection to determine the compliance of the safety equipment and materials with the technical requirements contained in individual specifications. Coast Guard will retain this information on file to identify the equipment and materials that were approved.

Frequency: On occasion.

Burden Estimate: 17 hours.

Respondents: Equipment and material manufacturers.

Form(s): None.

Average Burden Hours Per Response: 15 hours and 30 minutes reporting; 5 minutes recordkeeping.

DOT No: 3913.

OMB No: New.

Administration: U.S. Coast Guard.

Title: Boat Owner's Report—Possible Safety Defect.

Need for Information: Under the requirements of 46 USC 4310(f), manufacturers of recreational boats are required to notify owners and replace or repair boats and equipment which are found to be defective. This information collection requirement is needed to ensure that manufacturers of recreational boats and associated equipment take appropriate action when a safety defect is discovered in their products.

Proposed Use of Information: Coast Guard will use information supplied by consumer complaints involving recreational boats and associated equipment to determine whether continued use of the particular product may affect the safety of the boating public.

Frequency: One time.

Burden Estimate: 80 hours.

Respondents: Owners and manufacturers of recreational boats.

Form(s): CG–5578.

Average Burden Hours Per Response: 24 minutes reporting.

DOT No: 3914.

OMB No: 2115–0552.

Administration: U.S. Coast Guard.

Title: Liquefied Natural Gas Waterfront Facilities.

Need for Information: Title 33 CFR 127 (Subparts A and C) prescribe safety standards at waterfront facilities that handle liquefied hazardous gases (LHG) and liquefied natural gas (LNG).

Proposed Use of Information: This information collection will be used to: (1) Alert the Coast Guard by Letter of Intent from the owner or operator of the facility plans to conduct transfer of LHG and LNG in bulk; (2) give the owner or operator the right to appeal an action taken under these regulations; (3) give owners or operators permission to request alternative methods; (4) ensure that the owner or operator of these facilities submits Operation and Emergency Manuals; (5) ensure that each person in charge of shoreside transfer operations meets the qualifications set forth in the regulations; (6) ensure that the person in charge of vessel transfer operations completes a Declaration of Inspection; and (7) have tests and inspections of the LNG and LHG transfer systems on a regular basis.

Frequency: On occasion.

Burden Estimate: 3,531 hours.

Respondents: Owners/operators of liquefied natural gas facilities.

Form(s): None.

Average Burden Hours Per Response: 60 minutes reporting; 17 hours and 14 minutes recordkeeping.

DOT No: 3915.

OMB No: 2115–0573.

Administration: U.S. Coast Guard.

Title: Labelling Required in 33 CFR parts 181 and 183.

Need for Information: In accordance with 46 CFR 4302(a)(3), the Secretary may prescribe regulations requiring or permitting the display of seals, labels, plates, insignia or other devices for certifying or evidencing compliance with safety regulations and standards of the U.S. Government for recreational vessels and associated equipment. This information requirement is needed to ensure that manufacturers of recreational boats and associated equipment display various labels on their boats as evidence of compliance with safety regulations.

Proposed Use of Information: This information requirement will be used to determine which manufacturers are building recreational boats subject to Coast Guard's safety standards and as a unique identifier in tracing boats that have been lost, stolen or abandoned.

Frequency: Once.

Burden Estimate: 117,720 hours.

Respondents: Manufacturers and importers of recreational boats.

Form(s): None.

Average Burden Hours Per Response: Labelling requirement.

DOT No: 3916.

OMB No: 2115–0100.

Administration: U.S. Coast Guard.

Title: Marine Transport of Bulk Solid Hazardous Materials.

Need for Information: This information collection is needed by the Coast Guard to administer and enforce the laws and regulations of 46 CFR part 148 for the safe stowage and transportation of hazardous materials. Coast Guard will also issue Special Permits to allow carriage of hazardous bulk solid materials and will require the vessel operator to keep this permit in a readily retrievable location.

Proposed Use of Information: This information collection will be used to make a well informed determination by the Coast Guard as to the severity of the hazard posed by the material being shipped. This will allow the Coast Guard to set sufficient guidelines for safe carriage of hazardous materials or deny permission for shipping the material if it presents a great hazard for the environment.

Frequency: On occasion.

Burden Estimate: 575 hours.

Respondents: Owners or operators of solid bulk cargo vessels or barges.

Form(s): None.

Average Burden Hours Per Response: 23 hours reporting.

DOT No: 3917.

OMB No: 2115–0540.

Administration: U.S. Coast Guard.

Title: 33 CFR Subchapter P—Port and Waterways Safety.

Need for Information: This information collection is needed to allow owners of certain vessels who are subject to reporting requirements under Subchapter P of title 33 CFR, to request deviation from these requirements as long as safety is not reduced.

Proposed Use of Information: Coast Guard will use this collection to evaluate the information submitted by owners of these vessels to determine if the deviation requested is justified and does not degrade waterway safety.

Frequency: On occasion.

Burden Estimate: 542 hours.

Respondents: Masters or owners of vessels.

Form(s): None.

Average Burden Hours Per Response: 1 hour and 30 minutes reporting.

DOT No: 3918.

OMB No: 2127–0043.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR part 566, Manufacturer Identification.

Need for Information: The National Traffic and Motor Vehicle Safety Act requires manufacturers to determine if any motor vehicle or item of replacement equipment contains a defect related to motor vehicle safety or fails to comply with an applicable Federal Motor Vehicle Safety Standard.

Proposed Use of Information: Manufacturers of motor vehicles and/or motor vehicle equipment are required to submit their names, addresses, and a brief summary of the type of vehicle or equipment they manufacture to NHTSA.

NHTSA uses the information to locate manufacturers in the event of a recall.

Frequency: On occasion.

Burden Estimate: 25 hours.

Respondents: Manufacturers of motor vehicles/equipment.

Form(s): None.

Average Burden Hours Per Response: 15 minutes reporting.

DOT No: 3919.

OMB No: 2120–0043.

Administration: Federal Aviation Administration.

Title: Recording of Aircraft Conveyances and Security Documents.

Need for Information: Section 503 of the Federal Aviation Act of 1958 provides for establishing and maintaining a system for the recording of security conveyances affecting title to, or interest in U.S. civil aircraft, as well as certain specifically identified engines, propellers or spare parts locations, and for recording of releases relating to those conveyances. FAR part 49 establishes procedures for implementation of Section 503 of the Act.

Proposed Use of Information: The original security conveyance is examined by the Civil Aviation Registry to insure that it meets recording requirements as set forth in FAR part 49. If it does, it is given a recording number and made a permanent part of the aircraft record.

Frequency: On occasion.

Burden Estimate: 55,675 hours.

Respondents: All.

Form(s): AC Forms 8050–41.

Average Burden Hours Per Response: 1 hour reporting.

DOT No: 3920.

OMB No: New.

Administration: U.S. Coast Guard.

Title: Shipboard Oil Pollution Emergency Plans—Regulation 26 to Annex I of MARPOL 73/78.

Need for Information: Regulation 26 of Annex I of MARPOL 73/78 requires oil tankers of 150 gross tons and above and every ship that is 400 gross tons and above, to carry on board a Shipboard Oil Pollution Emergency Plan approved by its flag state.

Proposed Use of Information: This information collection requirement is needed to improve response capabilities and to minimize the environmental impact if there were an oil discharge from ships. Coast Guard will review these plans to ensure they are in compliance with the regulatory requirement.

Frequency: One time.

Burden Estimate: 125,396 hours.

Respondents: Owners or operators of vessels.

Form(s): None.

Average Burden Hours Per Response: 81 hours and 44 minutes reporting.

DOT No: 3921.

OMB No: New.

Administration: National Highway Traffic Safety Administration.

Title: Vehicle Rollover Stability Information Collection.

Need for Information: Title 15 USC 1392 authorizes the Secretary of Transportation to establish procedures for NHTSA to collect vehicle rollover stability information from manufacturers; to compute measurements and affix labels with this on vehicles.

Proposed Use of Information: The information will be used to provide consumers with rollover stability information on each make and model of cars and trucks sold in this country.

Frequency: Annually.

Burden Estimate: 192 hours.

Respondents: Vehicle manufacturers.

Form(s): None.

Average Burden Hours Per Response: 8 hours reporting.

DOT No: 3922.

OMB No: New.

Administration: Federal Aviation Administration.

Title: Extension of Compliance Date for Installation of Digital Flight Data Recorders on Stage 2 Airplanes—FAR part 121.

Need for Information: The notice of proposed rulemaking on 14 CFR part 121 would require each air carrier to submit to the FAA documentation listing those airplanes covered under this rule and evidence that it has ordered a sufficient number of flight data records to meet the May 26, 1995 compliance date for all aircraft on that list.

Proposed Use of Information: The information will be used for compliance enforcement.

Frequency: One time.

Burden Estimate: 25 hours.

Respondents: Part 121 air carriers with Stage 2 aircraft.

Form(s): None.

Average Burden Hours Per Response: 30 minutes reporting.

DOT No: 3923.

OMB No: 2120–0554.

Administration: Federal Aviation Administration.

Title: Employment Standards—FAR parts 107 and 108.

Need for Information: Section 105 of the Aviation Security Improvement Act of 1990 directs the FAA to prescribe standards for the hiring, continued employment and contracting of air carrier and appropriate airport security personnel.

Proposed Use of Information: This is a recordkeeping requirement. The FAA will review airport records to ensure that all employees with access to secured areas have been trained in the need to wear badges and challenge unbadged individuals. FAA review of the ground security coordinators' annual evaluation will help ensure the security of each air carrier station.

Frequency: Recordkeeping.

Burden Estimate: 16,283 hours.

Respondents: Airport operators.

Form(s): None.

Average Burden Hours Per Response: 36 hours and 11 minutes recordkeeping.

DOT No: 3924.

OMB No: New.

Administration: Federal Aviation Administration.

Title: Aging Aircraft Safety.

Need for Information: Section 604 of the Federal Aviation Act of 1958, as amended, empowers the Secretary of Transportation to issue air carrier operating certificates and to establish minimum safety standards for the operation of the air carrier to whom such certificates are issued. Section 601 of the Act, FAR parts 121, 129 and 135, prescribe the terms, conditions and limitations as are necessary to ensure safety in air transportation.

Proposed Use of Information: The notice of proposed rulemaking on FAR parts 121, 129 and 135 would require the air carrier to notify the FAA that they intend to perform a heavy maintenance check so that the assigned principal maintenance inspector can schedule to physically inspect the airplane.

Frequency: On occasion.

Burden Estimate: 983 hours.

Respondents: Air carrier operators under FAR parts 121, 129, and 135.

Form(s): None.

Average Burden Hours Per Response: 15 minutes reporting; 15 minutes recordkeeping.

DOT No: 3925.

OMB No: New.

Administration: U.S. Coast Guard.

Title: Recordkeeping of Refuse Discharges from Ships.

Need for Information: This information collection is governed by 33 U.S.C. 1903(B)(2)(A) and is needed by the Coast Guard to evaluate the waste handling practices of the maritime community and to determine the level of compliance with MARPOL 73/78 Annex V.

Proposed Use of Information: Coast Guard will use this information collection to: (1) Determine how ship-generated waste is being handled; (2) enforce MARPOL 73/78 Annex V; and (3) provide research material in evaluating the regulatory program.

Frequency: On occasion.

Burden Estimate: 460,255 hours
Respondents: Masters or persons in charge of oceangoing vessels.
Form(s): None.
Average Burden Hours Per Response: 20 hours and 54 minutes recordkeeping.
DOT No: 3926.
OMB No: 2115–0569.
Administration: U.S. Coast Guard.
Title: Self-Inspection of Fixed Outer Continental Shelf (OCS) Facilities.
Need for Information: This information collection requirement is needed to enforce the requirements under 43 U.S.C. 1348(c) which require owners or operators of fixed OCS facilities to self-inspect their facilities annually.
Proposed Use of Information: This information collection will be used by the Coast Guard for verification that the required inspection was conducted and the items required by the regulations were inspected.
Frequency: Annually.
Burden Estimate: 11,112 hours.
Respondents: Owners and operators of OCS Facilities.
Form(s): CG–5432.
Average Burden Hours Per Response: 3 hours reporting.
DOT No: 3927.
OMB No: 2130–0505.
Administration: Federal Railroad Administration.
Title: Steam Locomotive Inspection.
Need for Information: The Locomotive Inspection Act, 45 U.S.C. 22–34, promotes the safety of employees and travelers by assuring safe operation of steam locomotives.
Proposed Use of Information: The FRA will use this information to assure that carriers make inspections and repair defects in steam locomotives.
Frequency: Recordkeeping, on occasion, monthly, annually.
Burden Estimate: 511 hours.
Respondents: Railroads.
Form(s): None.
Average Burden Hours Per Response: 6 minutes reporting; 8 hours and 10 minutes recordkeeping.
DOT No: 3928.
OMB No: 2120–0553.
Administration: Federal Aviation Administration.
Title: Transition to an all Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia.
Need for Information: On November 11, 1990, the Airport Noise and Capacity Act of 1990 was enacted which mandated the establishment of a national aviation noise policy by July 1, 1991. The amendments to the rules implement Sections 9308 and 9309 of the Act by establishing a schedule of reductions of affected Stage 2 airplanes and prohibiting their use in the contiguous United States after December 31, 1999. These amendments would preclude the operation of airplanes in the contiguous United States that were imported pursuant to contracts executed after November 11, 1990.
Proposed Use of Information: The FAA will use the data to monitor and enforce compliance and to keep the Congress and the public informed on the progress being made to achieve full and continued compliance.
Frequency: On occasion, annually.
Burden Estimate: 278 hours.
Respondents: U.S. and foreign air carriers of affected airplanes.
Form(s): None.
Average Burden Hours Per Response: 1 hour reporting for small carriers; 2 hours reporting for large carriers.
DOT No: 3929.
OMB No: 2130–0525.
Administration: Federal Railroad Administration.
Title: Certification of Glazing Materials.
Need for Information: Under the authority of the Federal Railroad Safety Act of 1970, FRA established the Safety Glazing Standards (49 CFR part 223) for locomotives, passenger cars and cabooses to protect individuals from personal injury as a result of objects striking the windows.
Proposed Use of Information: FRA uses this information to assure that glazing materials have been fully tested and are in compliance with Federal safety requirements.
Frequency: Recordkeeping.
Burden Estimate: 321 hours.
Respondents: Railroads.
Form(s): None.
Average Burden Hours Per Response: 64 hours and 12 minutes recordkeeping.

Issued in Washington, DC on March 22, 1994.

Paula R. Ewen,
Chief, Information Management Division.

[FR Doc. 94–7598 Filed 3–30–94; 8:45 am]
BILLING CODE 4910–62–P

Federal Highway Administration

Environmental Impact Statement: Madison, Jersey, Greene, Scott and Morgan Counties, IL

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a project in Madison, Jersey, Greene, Scott and Morgan Counties, Illinois. The proposed project will extend from Alton, in Madison County to Jacksonville in Morgan County, Illinois. The proposed project would be designated Federal Aid Primary Route 587 (FAP Route 587).

FOR FURTHER INFORMATION CONTACT:

Mr. James C. Partlow, Design Operations Engineer, Federal Highway Administration, Illinois Division, 3250 Executive Park Drive, Springfield, Illinois 62703, Telephone: (217) 492–4622.
Mr. Dale L. Klohr, District Engineer, Illinois Department of Transportation (IDOT), 1100 Eastport Plaza Drive, Collinsville, Illinois 62234, Telephone: (618) 346–3110.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation, will prepare an Environmental Impact Statement on a proposal to improve Illinois Route 267 within Madison, Jersey, Greene, Scott and Morgan Counties. The proposed action involves upgrading approximately 104.6 km (65 miles) of Illinois Route 267 to a four-lane, partial access-controlled facility centered along existing Illinois Route 267. The proposed project will extend from the proposed Alton Bypass in Madison County to Jacksonville in Morgan County.

The need for improving Illinois Route 267 is based on the transportation demands, safety considerations, and the need to improve access to existing/potential development in the region. Future economic development in Jersey and Greene Counties is tied to becoming more closely aligned with the Greater St. Louis Metropolitan Area industrial complex. Upgrading Illinois Route 267 from Alton to Jerseyville and Carrollton would provide the opportunity for growth. The proposed action would not only connect Alton to Jacksonville, but would also tie more population centers together in the region.

Alternatives under consideration include no action and a new four-lane, partial access-controlled expressway facility. Several alignment alternatives will be evaluated for the proposed project which include bypass locations at New Delhi, Jerseyville, Carrollton, White Hall, Roodhouse, and Manchester. Two alignments will also be considered from north of Manchester to the interchange with U.S. 36 southwest of Jacksonville. The proposed expressway would be grade separated at all active railroad tracks, and interchanges would be constructed at most marked routes along the way.

An informal scoping process will be undertaken as part of this project. The

process will include meetings, review sessions as appropriate, and coordination with appropriate Federal, State and local agencies. Further details and scoping information packet may be obtained from one of the contact persons listed above.

To ensure that the full range of issues related to the proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or suggestions concerning this proposed action and the EIS should be directed to the FHWA or IDOT contact persons at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 22, 1994.

James C. Partlow,

Design Operations Engineer, Federal Highway Administration, Illinois Division, Springfield, Illinois.

[FR Doc. 94–7665 Filed 3–30–94; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Volkswagen

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants the petition by Volkswagen of America, Inc. (Volkswagen), for an exemption from the parts marking requirements of the vehicle theft prevention standard for a high theft car line, the Audi Cabriolet.

DATES: The exemption granted by this notice is effective for the Cabriolet line beginning with the 1995 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gray's telephone number is (202) 366–1740.

SUPPLEMENTARY INFORMATION: On December 2, 1993, NHTSA received a letter from Volkswagen of America (Volkswagen), requesting an exemption from the theft prevention standard for the Audi Cabriolet, a high theft line. Volkswagen requested that the exemption for the Cabriolet line begin from the 1995 model year. The letter was submitted pursuant to 49 CFR part 543, Exemption from Vehicle Theft Prevention Standard. For the Cabriolet line, Volkswagen requested an exemption from parts marking based on the installation of a theft deterrent system as standard equipment.

The information submitted by Volkswagen constituted a complete petition, as required by 49 CFR 543.7, in that the petition meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6. In correspondence between Volkswagen and the agency, confidential treatment was granted for certain information that appears in Volkswagen's petition. In a letter dated December 16, 1993, to Volkswagen, the agency granted the petitioner's request for confidential treatment of bracketed information in its letter to Mr. Barry Felrice, NHTSA Associate Administrator for Rulemaking, "and attachments."

In its petition, Volkswagen provided a detailed description of the identity, design, and location of the components of the antitheft device for the Cabriolet line, including electrical schematics of the device and diagrams of the components and their location in the vehicle. Volkswagen stated that its antitheft system incorporates both an audio and visual alarm function, and an engine starter interrupt function.

Volkswagen stated that the antitheft system is automatically activated by the normal locking of the vehicle door. In order to arm the system, the key must be removed from the ignition switch; all of the doors, trunk lid, hood lid, and storage compartments must be closed; and the driver's or front passenger's door must be locked with the ignition key. Locking any door ensures that all doors, the hood, and trunk are locked.

The blinking of an alarm system indicator light on the driver's door indicates that the device is armed. The system monitors the vehicle's doors, hood, trunk, ignition switch, and radio.

If the system is armed and unauthorized entry is subsequently attempted, the antitheft device will be triggered, causing the alarm horn to sound and the vehicle's hazard warning flasher system to be actuated. Any subsequent attempt to enter any of the vehicle's monitored areas will again cause the horn to blare and the hazard warning system to flash.

Additionally, the antitheft device will activate the starter-interrupt relay, preventing the starting of the engine from the ignition switch. Volkswagen stated that to prevent defeat of the antitheft system, all system components are in inaccessible locations. Volkswagen described further measures to prevent unauthorized operation of its car lines.

Volkswagen addressed the reliability and durability of its antitheft device by providing a description of the tests that were conducted on the device. Among these tests were tests for: Material requirements; operating voltages; temperature stability; mechanical properties; electrical requirements; electromagnetic compatibility; environmental compatibility; and service life. With its petition, Volkswagen included a certification that the antitheft device was tested according to Volkswagen's standard, including those tests relating to electrical and mechanical durability, and passed all the performance requirements of the tests.

In discussing why it believes the antitheft device will be effective in reducing and deterring motor vehicle theft, Volkswagen compared its antitheft device with similar antitheft devices, primarily manufactured by other manufacturers, that have been previously granted exemptions from this agency. Volkswagen stated that the theft rates of these comparable lines decreased when the antitheft device was made standard equipment, and have remained, for the most part, below the 3.2712 median theft rate (based on 1983/84 data). Volkswagen cited the experiences of the: Nissan Maxima, that went from a theft rate of 4.18 (all figures provided are for thefts per thousand vehicles) in 1984 to a theft rate of 1.99 in 1985; the Mazda RX–7, that went from a theft rate of 12.11 in 1984 to a theft rate of 6.09 in 1989; the Toyota Cressida, that went from a theft rate of 10.3 in 1985 to a theft rate of 7.3 in 1988; and the Audi 5000, that went from a theft rate of 1.98 in 1987 to a theft rate of 1.26 in 1988. The agency concurs with Volkswagen that these antitheft devices manufactured by other manufacturers (and the device on the Audi 5000) are comparable to the system planned by Volkswagen for its Cabriolet line.

NHTSA believes that there is substantial evidence indicating that the antitheft device to be installed as standard equipment in the Volkswagen Audi Cabriolet line that is the subject of this notice, will likely be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (49 CFR part 541). This determination is based on the information Volkswagen submitted with its petition and on other available information. The agency believes that the device will provide all of the types of performance listed in § 543.6(a)(3):

promoting activation; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by section 605(b) of the statute and 49 CFR 543.6(a)(4), the agency also finds that Volkswagen has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Volkswagen provided on its device. This information included a description of reliability and functional tests conducted by Volkswagen for the antitheft device and its components.

For the foregoing reasons, the agency hereby exempts the Volkswagen Audi Cabriolet line that is the subject of this notice, in whole from the requirements of 49 CFR part 541.

If Volkswagen decides not to use the exemption for the Cabriolet line, it should formally notify the agency. If such a decision is made, the Cabriolet line must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available. With implementation of the requirements of the "Anti Car Theft Act of 1992," NHTSA anticipates more probative data upon which comparisons may be made.

NHTSA notes that if Volkswagen wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 15 U.S.C. 2025; delegation of authority at 49 CFR 1.50.

Issued on: March 25, 1994.

Christopher A. Hart,

Deputy Administrator.

[FR Doc. 94–7597 Filed 3–30–94; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1994

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 1994 as required by section 45(d)(2)(A) (26 U.S.C. 45(d)(2)(A)).

SUMMARY: The 1994 inflation adjustment factor and reference prices are used in determining the availability of the renewable electricity production credit under section 45(a).

DATES: The 1994 inflation adjustment factor and reference prices apply to calendar year 1994 sales of kilowatt hours of electricity produced in the United States or a possession thereof from qualified energy resources.

INFLATION ADJUSTMENT FACTOR: The inflation adjustment factor for calendar year 1994 is 1.0273.

REFERENCE PRICE: The reference prices for calendar year 1994 are 5.4¢ per kilowatt hour for facilities producing electricity from wind and 0¢ per kilowatt hour for facilities producing electricity from closed-loop biomass. The reference price for electricity produced from closed-loop biomass, as defined in section 45(c)(2), is based on a determination under section 45(d)(2)(C) that in calendar year 1993 there were no sales of electricity generated from closed-loop biomass energy resources under contracts entered into after December 31, 1989.

Because the 1994 reference prices for electricity produced from wind and closed-loop biomass energy resources do not exceed 8¢ multiplied by the inflation adjustment factor, the phaseout of the credit provided in section 45(b)(1) does not apply to electricity sold during calendar year 1994.

CREDIT AMOUNT: As required by section 45(b)(2), the 1.5¢ amount in section 45(a)(1) is adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1¢, such amount is rounded to the nearest multiple of 0.1¢. Under the calculation required by section 45(b)(2), the renewable electricity production credit for calendar year 1994 under section 45(a) is 1.5¢ per kilowatt hour on the sale of electricity produced from closed-loop biomass and wind energy resources.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Erickson, Internal Revenue Service, CC:DOM:P&SI:5, 1111 Constitution Ave., NW., Washington, DC 20224, (202) 622–3040 (not a toll-free call).

Marlene Gross,

Acting Associate Chief Counsel (Domestic).

[FR Doc. 94–7575 Filed 3–30–94; 8:45 am]

BILLING CODE 4830–01–U

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Closed Meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held April 13 and 14, 1994.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:AS:4, 901 D Street, SW, Washington, DC 20024, Telephone No. (202) 401–4128, (not a toll-free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a closed meeting of the Art Advisory Panel will be held on April 13 and 14, 1994, in room 118 beginning at 9:30 a.m., Aerospace Center Building, 901 D Street, SW., Washington, DC 20024.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of title 5 of the United States Code, and that the meeting will not be open to the public.

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in EO 12866 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 94–7573 Filed 3–30–94; 8:45 am]

BILLING CODE 4830–01–U

Tax on Certain Imported Substances; Filing of Petition

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice announces the acceptance, under notice 89–61, 1989–1 C.B. 717, of a petition requesting that dimethyl terephthalate be added to the list of taxable substances in section 4672(a)(3) of the Internal Revenue Code. Publication of this notice is in compliance with Notice 89–61. This is not a determination that the list of taxable substances should be modified.

DATES: Written comments and requests for a public hearing relating to these petitions must be received by May 31, 1994. Any modification of the list of taxable substances based upon this petition would be effective April 1, 1992.

ADDRESSES: Send comments and requests for a public hearing to: CC:DOM:CORP:T:R (Petition), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Tyrone J. Montague, Office of Assistant Chief Counsel (Passthroughs and Special Industries), (202) 622–3130 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The petition was received on April 15, 1991. The petitioner is Cape Industries, a manufacturer and exporter of this substance. The following is a summary of the information contained in the petition. The complete petition is available in the Internal Revenue Service Freedom of Information Reading Room.

HTS Number: 2917.37.00.00.

CAS Number: 120–61–6.

This substance is derived from the taxable chemicals xylene and methane. Dimethyl terephthalate is a solid produced predominantly by oxidation of xylene followed by esterification with methanol.

The stoichiometric material consumption formula for this substance is:

C_8H_{10} (xylene)+2 CH_4 (methane)+4 O_2 (oxygen)→$C_{10}H_{10}O_4$ (dimethyl terephthalate)+4 H_2O (water)

According to the petition, taxable chemicals constitute 51.8 per cent by weight of the materials used to produce this substance. The rate of tax for this substance would be $3.23 per ton. This is based upon a conversion factor for xylene of 0.547 and a conversion factor for methane of 0.165.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 94–7574 Filed 3–30–94; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Donated Book Assistance Awards

AGENCY: United States Information Agency.

ACTION: Notice; request for proposals.

SUMMARY: Subject to the availability of funds, the Book Promotion Branch of the U.S. Information Agency will provide limited assistance awards to non-profit U.S. institutions and organizations in the private sector to administer donated books projects during FY'94. All interested organizations wishing to compete for awards to administer one or several of the following projects are invited to request detailed proposal guidelines. The proposals will be evaluated by a review panel and recommendations for awards will be based on professional staff assessment of relevant qualifications and compliance with established criteria.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on May 11, 1994. Faxed documents will not be accepted, nor will documents postmarked on May 11, 1994 but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline.

Duration: The duration of the award will be twelve months. No funds may be expended until the award agreement is signed. Awards should begin September 1, 1994.

ADDRESSES: The original and fourteen copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref: Donated Book Assistance Awards, Grants Management Division, E/XE, room 336, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations/institutions should contact Ms. Carol Nelson at the U.S. Information Agency, room 320, 301 4th Street, SW., Book Program Division, E/CBP, Washington, DC 20547, tele: (202) 619–4895 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: To be eligible for consideration an organization must be incorporated in the U.S. as a 501(c)(3), not-for-profit organization as determined by the IRS, and be able to demonstate expertise in administering the project(s) on which it is bidding. An organization may apply for awards to administer more than one regional project. Grants awarded to eligible organizations with less than four years experience in conducting international exchange programs will be limited to $60,000.

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Regional Projects

Africa: One or more assistance awards, totaling approximately $69,000 for this region, will be made to a nonprofit organization(s) to help defray costs for distributing appropriate donated books to Cameroon, Eritrea, Ethiopia, Kenya, Liberia, Malawi, Namibia, Nigeria, South Africa, Tanzania, Uganda, Zambia, Zimbabwe and any other countries in sub-Sahara Africa designated by the Agency. Donated book shipments for this region must consist of at least 75% new materials and no more than 25% used materials in subject areas requested by each country and that are consistent with Agency guidelines. The books shipped to recipient countries should be in subject areas that stress democratic values, market oriented economics, American civilization with particular emphasis on American history, legal

system, government, literature, arts, education, science and technology, foreign policy, TEFL and English teaching. The books will be distributed to needy students and teachers in secondary schools, universities, research centers and institutes. The award recipient, prior to the shipment of any books, must identify a local consignee/distributor in each recipient country who will be responsible for handling in-country logistics, processing and distribution. To ensure that books selected for shipment comply with requests of each recipient country, the award recipient must send annotated book lists in advance, including number of titles available in different instructional levels, to the overseas recipient institution(s) for selection and approval. The award recipient must also notify USIA (E/CBP) when shipment is made to the recipient country, providing all pertinent shipping information i.e. ETD, shipping line, vessel, size of shipment, consignee, ETA, etc.

East Asia

One or more assistance awards, totaling approximately $12,000 for this region, will be made to help defray costs for distributing appropriate donated books to the Philippines. Donated book shipments for this region must consist of at least 75% new materials and no more than 25% used materials in subject areas requested by the recipient country and that are consistent with Agency guidelines. The books shipped to recipient countries should be in subject areas that stress democratic values, market oriented economics, American civilization with particular emphasis on American history, legal system, government, literature, arts, education, science and technology, foreign policy, TEFL and English Teaching. The books will be distributed to needy students and teachers in secondary schools, universities, research centers and institutes. Prior to the shipment of any books, the award recipient must identify a consignee who will be responsible for handling in-country processing and distribution. To ensure that books selected for shipment comply with requests of each recipient country, the award recipient must send annotated book lists in advance, including number of titles available in different instructional levels, to the overseas recipient institution(s) for selection and approval. The award recipient must also notify USIA (E/CBP) when shipment is made to the recipient country, providing all pertinent shipping information, i.e. ETD, Shipping line, vessel, size of shipment, consignee, ETA, etc.

Eastern Europe and the Baltic Region

One or more assistance awards, totaling approximately $175,000 for this region, will be made to help defray costs for distributing appropriate donated books to Croatia, Macedonia, Slovenia, Poland, Hungary, Czech Republic, Slovak Republic, Romania, Bulgaria, Albania, Estonia, Latvia and Lithuania. Donated books in subject areas requested by each country must be distributed with funds from this award. Book shipments for this region must consist of at least 75% new material and no more than 25% used materials. The books shipped to recipient countries should be in subject areas that stress democratic values, market oriented economics, American civilization with particular emphasis on American history, legal system, government, literature, arts, education, foreign policy, TEFL, English teaching, and current science and technology.

Note: Shipments containing current science and technology titles may not exceed 25% of the total number of books shipped to any one country.

The books will be distributed to needy students and teachers in secondary schools, universities, research centers and institutes. Prior to the shipment of any books, the award recipient must identify a local consignee/distributor who will be responsible for handling in-country logistics, processing and distribution. To ensure that books selected for shipment comply with requests of each recipient country, the award recipient must send annotated book lists in advance, including number of titles available in different instructional levels, to the overseas recipient institution(s) for selection and approval. The award recipient must also notify USIA (E/CBP) when shipment is made to the recipient country, providing all pertinent shipping information, i.e. ETD, shipping line, vessel, size of shipment, consignee, ETA, etc.

The NIS Countries

One or more assistance awards, totaling approximately $100,000 for this region, will be made to help defray costs for distributing appropriate donated books to Russia, Ukraine, Belarus, Kazakhstan, Kyrgyzstan and Uzbekistan. Donated books in subject areas requested by each country must be distributed with funds from this award. Book shipments for this region must consist of at least 75% new material and no more than 25% used materials. The books shipped to recipient countries should be in subject areas that stress democratic values, market oriented economics, American civilization with particular emphasis on American history, legal system, government, literature, arts, education, foreign policy, TEFL, English teaching, and current science and technology.

Note: Shipments containing current science and technology titles may not exceed 25% of the total number of books shipped to any one country.

The books will be distributed to needy students and teachers in secondary schools, universities, research centers and institutes. Prior to the shipment of any books, the award recipient must identify a local consignee/distributor who will be responsible for handling in-country logistics, processing and distribution. To ensure that books selected for shipment comply with requests of each recipient country, the award recipient must send annotated book lists in advance, including number of titles available in different instructional levels, to the overseas recipient institution(s) for selection and approval. The award recipient must also notify USIA (E/CBP) when shipment is made to the recipient country, providing all pertinent shipping information, i.e. ETD, shipping line, vessel, size of shipment, consignee, ETA, etc.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of the General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

In addition to general E Bureau review criteria, technically eligible applications will be competitively reviewed according to the following criteria:

1. Procurement

—Applicant's ability to procure and ship the types of books in the instructional levels that are

compatible with Agency guidelines and the needs of recipient countries.

2. Distribution

—Applicant's previous experience or demonstrated potential in conducting a quality controlled and high impact program in the selected region.

—The reliability/feasibility of the distribution network planned through individual contacts, public and private institutions, or through joint planning and coordination with USIS posts in the potential recipient countries/region.

—Applicant's ability to demonstrate that arrangements have been made in advance to handle all transportation, warehousing, processing and book distribution costs in the recipient country(s).

—The percentage of cost-sharing (in-kind contribution or currency equivalent) applicant will contribute to the program. Administrative vs program costs ratio.

—Applicant's ability to implement a workable reporting system to ensure that book transaction data is routinely transmitted to recipient country and Agency (e.g. aggregate number of books, annotated list of titles and/or packing lists, name of author, volume or edition, place of publication, publisher, date, shipping information, etc.) prior to the shipment of books.

3. Program Evaluation

—Applicant's plans for evaluating the effective administration of the program both in the U.S. and overseas. Applicant's ability to measure quality control and program impact in the recipient countries.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about August 15, 1994. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: March 28, 1994.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 94–7723 Filed 3–30–94; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 62
Thursday, March 31, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 5, 1994 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Draft Final Rule, with Explanation and Justification, in Response to the Petition for Rulemaking Filed by Citizens Against David Duke (Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees).

Legislative Recommendations—1994, tentative.

New Confidential Filers.

Administrative Matters.

DATE AND TIME: Tuesday, April 5, 1994 Executive Session will convene after the open meeting.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION: Ron Harris, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 94–7874 Filed 3–29–94; 2:44 pm]

BILLING CODE 6715–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Amendment to Notice of Open Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 59 FR 14021, March 24, 1994.

PREVIOUSLY ANNOUNCED DATE OF MEETING: April 5, 1994.

CHANGE: Agenda item No. 4 has been amended to: "Annual Report on Diversity Development and Affirmative Action."

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 94–7811 Filed 3–29–94; 11:24 am]

BILLING CODE 7710–12–M

Corrections

Federal Register
Vol. 59, No. 62
Thursday, March 31, 1994

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, 22, and 99

[GEN Docket No. 90-314; FCC 93-451]

Amendment of the Commission's Rules To Establish New Personal Communications Services

Corrections

In rule document 93-27336 beginning on page 59174 in the issue of Monday, November 8, 1993, make the following corrections:

1. On page 59176, in the third column, in § 2.106, the Table of Frequency Allocations is corrected in its entirety and should read as set forth below.

§ 2.106 Table of Frequency Allocations.

* * * *

International table			United States table		FCC use designators	
Region 1-allocation MHz	Region 2-allocation MHz	Region 3-allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
1670–1675	METEOROLOGICAL AIDS. FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE 740A 722	* * * * *				
1675–1690 METEOROLOGICAL AIDS. FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 722	1675–1690 METEOROLOGICAL AIDS. FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 722 735A	1675–1690 METEOROLOGICAL AIDS. FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 722				
1690–1700 METEOROLOGICAL AIDS.	1690–1700 METEOROLOGICAL AIDS.	1690–1700 METEOROLOGICAL AIDS.				

International table			United States table		FCC use designators	
Region 1-allocation MHz	Region 2-allocation MHz	Region 3-allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
METEOROLOGICAL SATELLITE (space-to-Earth). FIXED. MOBILE except aeronautical mobile 671 722 741	METEOROLOGICAL SATELLITE (space-to-Earth). MOBILE-SATELLITE (Earth-to-space). 671 722 735A 740	METEOROLOGICAL SATELLITE (space-to-Earth). 671 722 740 742				
1700–1710 FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 671 722	1700–1710 FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. MOBILE-SATELLITE (Earth-to-space). 671 722 735A	1700–1710 FIXED. METEOROLOGICAL-SATELLITE (space-to-Earth). MOBILE except aeronautical mobile. 671 722 743				
1710–1930	FIXED. MOBILE 740A 722 744 745 746 746A		• • • • •			
1930–1970 FIXED. MOBILE. 746A	1930–1970 FIXED. MOBILE MOBILE-SATELLITE (Earth-to-space). 746A	1930–1970 FIXED. MOBILE. 746A	1850–1990	1850–1990 FIXED. MOBILE.	PERSONAL COMMUNICATIONS SERVICES (99). PRIVATE OPERATIONAL-FIXED MICROWAVE (94). RADIO FREQUENCY DEVICES (15).	EMERGING TECHNOLOGIES.
1970–1980 FIXED. MOBILE. 746A	1970–1980 FIXED. MOBILE. MOBILE-SATELLITE (Earth-to-space). 746A 746B 746C	1970–1980 FIXED. MOBILE. 746A				
1980–2010	FIXED. MOBILE. MOBILE-SATELLITE (Earth-to-space). 746A 746B 746C			US331 NG153		
2010–2025	FIXED. MOBILE. 746A		1990–2110	1990–2110 FIXED. MOBILE	AUXILIARY BROADCAST (74). CABLE TELEVISION (78).	
2025–2110	FIXED. MOBILE 747A.					

International table			United States table		FCC use designators	
Region 1-allocation MHz	Region 2-allocation MHz	Region 3-allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	SPACE RESEARCH (Earth-to-space) (space-to-space). SPACE OPERATION (Earth-to-space) (space-to-space). EARTH EXPLORATION-SATELLITE (Earth-to-space) (space-to-space). 750A		US90 US111 US219 US 222	US90 US111 US219 US222 NG23 NG118		
2110–2120	FIXED. MOBILE. SPACE RESEARCH (deep space) (Earth-to-space). 746A		2110–2200	2110–2150 FIXED. MOBILE.	DOMESTIC PUBLIC FIXED (21). PERSONAL COMMUNICATIONS SERVICES (99). PRIVATE OPERATIONAL-FIXED MICROWAVE (94). PUBLIC MOBILE (22).	EMERGING TECHNOLOGIES.
2120–2160 FIXED. MOBILE. 746A	2120–2160 FIXED. MOBILE. MOBILE-SATELLITE (space-to-Earth). 746A	2120–2160 FIXED. MOBILE. 746A		US111 US252 US331 NG23–NG153		
				2150–2160 FIXED. NG23	MULTIPOINT DISTRIBUTION (21). PRIVATE OPERATIONAL-FIXED MICROWAVE (94).	
2160–2170 FIXED. MOBILE. 746A	2160–2170 FIXED. MOBILE. MOBILE-SATELLITE (space-to-Earth). 746A746B746C	2160–2170 FIXED. MOBILE. 746A		2160–2200 FIXED. MOBILE.	DOMESTIC PUBLIC FIXED (21). PERSONAL COMMUNICATIONS SERVICES (99). PRIVATE OPERATIONAL-FIXED MICROWAVE (94). PUBLIC MOBILE (22).	EMERGING TECHNOLOGIES.

International table			United States table		FCC use designators	
Region 1-allocation MHz	Region 2-allocation MHz	Region 3-allocation MHz	Government	Non-Government	Rule part(s)	Special-use frequencies
			Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
2170–2200	FIXED. MOBILE. MOBILE-SATELLITE (space-to-Earth). 746A 746B 746C		US111 US252 US331	US331 NG23 NG153		
2200–2290	FIXED. SPACE RESEARCH (space-to-Earth) (space-to-space). SPACE OPERATION (space-to-Earth) (space-to-space). EARTH EXPLORATION-SATELLITE (space-to-Earth) (space-to-space). MOBILE 747A 750A		* * * * *			

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PART 15—[CORRECTED]

2. On page 59179, in the third column, the Table of contents Part heading "PART 156" should read "PART 15".

3. On page 59179, in the Table of contents entry for § 15.321, the word "iosochronous" should read "isochronous".

§ 15.321 [Corrected]

3. On page 59181, in the second column, in § 15.321(a), in the tenth line, "§ 15.319)(c)" should read "§ 15.319(c)".

4. On page 59181, in the third column, in § 15.321(c)(5), in the third line from the bottom, "on" should read "or".

5. On page 59182, in the first column, in § 15.321(d), in the fifth line, "channel", should read "channel;".

6. On page 59182, in the second column, in § 15.321(f), in the second line, "international" should read "intentional".

§ 15.323 [Corrected]

7. On page 59182, in the second column, in § 15.323(a), in the first line, "hall" should read "shall" and in the second line, "on" should read "one".

§ 99.12 [Corrected]

8. On page 59184, in the second column, in § 99.12, in the last line, "§§ 99.202(2)" should read "§§ 99.202(c)".

§ 99.53 [Corrected]

9. On page 59185, in the second column, in § 99.53(d), in the third line, "elevators" should read "elevations".

§ 99.103 [Corrected]

10. On page 59185, in the third column, in § 99.103(a), in the third line from the bottom, after "stations", insert "within".

§ 99.130 [Amended]

11. On page 59186, in the first column, in § 99.130(a), is corrected by reprinting in its entirety "Table 2 for Unpaired Frequencies (MHz)".

UNPAIRED FREQUENCIES (MHz)

	License area
Mobile transmit[1] (12.5 kHz bandwidth):	
901.90625, 901.94375, 901.98125, 901.91875, 901.95625, 901.99375, 901.93125, 901.96875	BTA
Base or mobile transmit (50 kHz bandwidth):	
940.775, 940.825, 940.875	Nationwide
940.925, 940.975	MTA

[1] Limited to paging licensees authorized under parts 22 and 90 of this chapter.

§ 99.132 [Corrected]

12. On page 59186, in the first column, in § 99.132(a), in the second line, "ban" should read "band".

§ 99.231 [Corrected]

13. On page 59187, in the second column, in § 99.231(a), Table 1 should read as set forth below:

TABLE 1.—REDUCED POWER FOR BASE STATION ANTENNA HEIGHTS OVER 300 METERS

HAAT—meters (feet)	Maximum E.I.R.P. (watts)
≤300 (984)	100
≤500 (1640)	65
≤1000 (3280)	30
≤500 (4920)	15
≤2000 (6560)	10

§ 99.233 [Corrected]

14. On page 59187, in the third column, in § 99.233(a), in Table 2, the headings should read as set forth below:

TABLE 2.—COORDINATION DISTANCES IN KILOMETERS (MILES)

PCS Base Station Antenna HAAT in Meters (Feet)

BILLING CODE 1505-01-D

federal register

Thursday
March 31, 1994

Part II

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Proposed Comprehensive Plan for Fiscal Year 1994; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Proposed Comprehensive Plan for Fiscal Year 1994

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, DOJ.

ACTION: Notice of proposed comprehensive plan for Fiscal Year 1994.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is publishing for public comment this Notice of its Proposed Comprehensive Plan for Fiscal Year 1994.

DATES: Comments must be submitted on or before May 16, 1994.

ADDRESSES: Comments may be mailed to John J. Wilson, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Marilyn Silver, Information Dissemination and Planning Unit, (202) 307–0751. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is a component of the Office of Justice Programs in the U.S. Department of Justice. Pursuant to the provisions of section 204(b)(5)(A), 42 U.S.C. 5614 (b)(5)(A), of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 *et seq.* (hereinafter called the JJDP Act), the Acting Administrator of OJJDP is publishing for public comment a Proposed Comprehensive Plan describing the program activities which OJJDP intends to carry out during Fiscal Year 1994. The Proposed Comprehensive Plan includes activities authorized in Parts C and D of Title II (42 U.S.C. 5651–5665a and 42 U.S.C. 5667–5667a) and in Title IV, the Missing Children's Assistance Act (42 U.S.C. 5651–5665a and 42 U.S.C. 5667–5667a) of the JJDP Act. Taking into consideration comments received on this Proposed Comprehensive Plan, the Acting Administrator will develop and publish a Final Comprehensive Plan describing the particular program activities which OJJDP intends to fund during Fiscal Year 1994 using in whole or in part funds appropriated under Parts C and D of Title II and Title IV of said Act.

The actual solicitation of grant applications under the Final Comprehensive Plan will be published separately, at a later date, in the **Federal Register**. No proposals, concept papers, or other forms of application should be submitted at this time.

Introduction

The youth of America do not simply represent our Nation's future. They are our Nation's future. However, the serious and violent crime rate among juveniles has increased sharply in the past few years. Juveniles account for an increasing share of all violent crimes in the United States. At the same time, a small portion of juvenile offenders account for the bulk of all serious and violent delinquency. Simultaneously, the number of juveniles taken into custody has increased, as has the number of juveniles waived or transferred to the criminal justice system. Admissions to juvenile facilities are at their highest levels ever, and an increasing percentage of these facilities are operating over capacity. Unfortunately, the already strained juvenile justice system does not have adequate fiscal and programmatic resources to identify juveniles at risk of becoming serious, violent, or chronic delinquents and to provide appropriate prevention services or intervene effectively with those juveniles who are already serious, violent, or chronic delinquents.

A Comprehensive Strategy

To reverse national trends in juvenile violence, juvenile victimization and family disintegration will require both a change in national priorities and an unprecedented commitment by public and private agencies, institutions, organizations, and individuals. OJJDP has developed a comprehensive strategy to address serious, violent and chronic delinquency. The strategy is based on OJJDP's review of statistics, research and evaluation and focuses on promising approaches in family strengthening, support for core institutions, delinquency prevention, intervention, and treatment. Its implementation at the State and local levels will require all sectors of the community to participate in determining local needs and in formulating and funding programs to meet those needs in order to prevent and treat delinquency. (A Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, OJJDP (1993)).

This year, OJJDP will fund a variety of programs and projects to implement the Comprehensive Strategy and foster community planning efforts. OJJDP will work with a number of jurisdictions to test mechanisms designed to assist communities to plan and implement programs that address youth violence and delinquency.

Communities engaged in comprehensive planning to address the issue of serious, violent and chronic juvenile offenders will be supported by OJJDP funding, technical assistance, information, and training resources. As part of the current program development work on OJJDP's Comprehensive Strategy, communities will be furnished a "how to" manual, providing a blueprint for assessing youth violence problems and resources. An inventory of promising and successful program models to help address the identified problems will also be provided to interested jurisdictions. These resources will be made available to cities and communities, including Weed and Seed jurisdictions, to assist in the planning and implementation of coordinated efforts to deal with youth violence problems. Program development work on OJJDP's Comprehensive Strategy will also support the Attorney General's national agenda for children by producing an early intervention program strategy, focused on families and beginning with children aged 0–3. Program models included in the early intervention strategy will seek to preserve and strengthen families that need support in providing healthy, nurturing environments for their childrens' social development. Educare programs that provide both child care help for parents and education readiness opportunities will be featured.

OJJDP's Comprehensive Strategy is based on five key principles for preventing and reducing chronic, serious and violent juvenile delinquency. Each of these principles has as its aim either reducing or identifying and controlling the small percentage of juvenile offenders who are serious, violent and chronic offenders. These are stated below, followed by examples of program activities to be carried out in FY 1994 that support each of the principles:

- Strengthen families in their role of providing guidance, discipline and strong values as their children's first teachers.

(1) A program of support for children of incarcerated parents.

(2) A Conference on mental health services and the juvenile justice system.

(3) The permanent families for abused and neglected children program.

(4) Support for regional and local advocacy centers for abused and neglected children.

- Support core social institutions, including schools, religious institutions, and other local community based

organizations, to alleviate risk factors for delinquency and help children develop their full potential.

(1) Law-Related Education programs in juvenile justice settings/innovative approaches in Law-Related Education.

(2) Youth leadership and violence prevention programs for at-risk youth.

(3) National School Safety Center.

(4) Technical assistance and training to juvenile courts.

(5) Congress of National Black Churches—National Anti-Drug Abuse Program.

• Promote prevention strategies that reduce the impact of negative risk factors and enhance protective factors.

(1) Training and technical assistance in risk focused prevention to be provided to 5,000 community leaders.

(2) Title V delinquency prevention—$13 million to be awarded to States for subgrants to local units of government that have formulated prevention plans (a separate program guideline will be issued for Title V).

(3) Children and Firearms.

(4) Media Violence.

• Intervene immediately when delinquent behavior first occurs.

(1) Boys and Girls Clubs Gang Prevention and Intervention Program to intervene with juvenile gang members in the early stages of gang involvement.

(2) Program to promote alternative programs for juvenile female offenders.

(3) Research on the impact of delay in the delivery of juvenile court sanctions.

(4) Enforcement strategies for juvenile impaired driving due to drug and alcohol abuse.

• Establish a broad range of graduated sanctions that provides both accountability and a continuum of services to respond appropriately to the needs of each delinquent offender.

(1) Models of Effective Court-based Service Delivery to Children and their Families.

(2) Juvenile Restitution and Community Service Training and Technical Assistance.

(3) What Works: An Assessment of Programs for Juvenile Female Offenders.

(4) Boot Camps for Juvenile Offenders—an Intermediate Sanction Program for Nonviolent Juvenile Offenders.

(5) The Serious, Violent, and Chronic Juvenile Offender Treatment Program will provide funds to four jurisdictions to implement a continuum of services for serious, violent, and chronic delinquents.

(6) Intensive Community-Based Aftercare Demonstration, Technical Assistance and Evaluation program.

OJJDP is also assisting Denver, Atlanta, Omaha and other Nebraska jurisdictions, and the District of Columbia, under a Department initiative, "Pulling America's Communities Together" (PACT) Program, to address violence issues in these jurisdictions, in designing and implementing short-term measures to reduce the incidence of violence on our streets, in our schools, and in our homes. These measures will be integrated with long-term strategies such as those described above to address the root causes of serious and violent crime and delinquency.

OJJDP is also participating in a collaborative effort with the Bureau of Justice Assistance in the "Comprehensive Communities Program." Under this program, cities or counties faced with high rates of drug-related crime and violence will develop a comprehensive strategy for crime- and drug-control which requires law enforcement and other governmental agencies to work in partnership with the community to address these problems in terms of the environment which fosters them. Each strategy must include a jurisdiction-wide commitment to community policing, coordination among public and private agencies (including, social services, public health, etc.), and efforts that encourage citizens to take an active role in problem solving.

The Goals

OJJDP's Fiscal Year 1994 program plan is designed to address three goals that reflect OJJDP's commitment to its mission and to implementation of the comprehensive strategy.

OJJDP believes that prevention is the most cost-effective means of dealing with juvenile delinquency. The first program plan goal for Fiscal Year 1994 is to prevent the initial occurrence of all types of juvenile offenses. This will require programs to strengthen and support families in their role of providing guidance and discipline and to support such core social institutions as schools, churches and synagogues, and other community-based organizations to help children develop to their maximum potential. OJJDP's prevention approach is designed to mobilize communities, through community leaders, to identify risk factors for delinquency as well those youth who are at risk so that programs can be designed that are responsive to community and youth needs and that will deter juveniles from becoming involved in law violating conduct.

The second goal of the Fiscal Year 1994 program plan is to design and establish community-based alternatives to detention and confinement that are the least restrictive alternatives appropriate to the juvenile's needs and protection of community safety and which promote the maintenance of ties with family, school and community.

OJJDP also seeks to establish a broad spectrum of graduated sanctions that provide accountability and a continuum of services that respond appropriately to the needs of each juvenile offender. Therefore, the third program plan goal for Fiscal Year 1994 is to promote the development and implementation of juvenile justice policies and practices that improve the juvenile justice system while promoting law-abiding behavior and ensuring the most effective allocation of system resources.

Overview

OJJDP was established by the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), as amended, to provide a comprehensive, coordinated approach to prevent and control juvenile crime and improve the juvenile justice system. OJJDP administers a State Formula Grants Program in 57 States and territories, funds over 100 projects through its Special Emphasis and National Institute for Juvenile Justice and Delinquency Prevention Discretionary Grant Programs, and is charged with coordinating all Federal activities related to juvenile justice and delinquency.

The OJJDP comprises four divisions. The first two, the Research and Program Development and the Training and Technical Assistance Divisions, together form the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). The Institute also includes the Information Dissemination and Planning Unit in the Office of the Administrator. The State Relations and Assistance Division and the Special Emphasis Division are the two remaining OJJDP divisions.

In addition, OJJDP serves as the staff agency for the Coordinating Council on Juvenile Justice and Delinquency Prevention, coordinates the Concentration of Federal Efforts Program, and administers the Title IV Missing and Exploited Children's program, the Title V Prevention Incentive Grants Program, and programs under the Victims of Child Abuse Act of 1990, as amended (42 U.S.C. 13001 *et seq.*).

1992 JJDP Act Amendments

The Juvenile Justice and Delinquency Prevention Amendments of 1992 expanded the role of OJJDP in Federal efforts to prevent and treat juvenile delinquency and improve the juvenile

justice system by including three new priorities: Strengthening the families of delinquents; improving State and local administration of justice and services to juveniles; and assisting States and local communities in preventing youth from entering the justice system. The Amendments encourage parental involvement in treatment and services for juveniles, coordination of services and interagency cooperation. Seven new studies are mandated. The Comptroller General is conducting five of these studies: (1) Juveniles waived, certified, or transferred to adult court; (2) admissions of juveniles with behavior disorders to private psychiatric hospitals; (3) gender bias in State juvenile justice systems; (4) Native American pass-through under the Formula Grants Program; and (5) access to counsel in juvenile court proceedings. OJJDP is conducting the remaining two: (1) The incidence, nature, and causes of violence committed by or against juveniles in urban and rural areas; and (2) the extent and characteristics of juvenile hate crimes.

The JJDP Act Amendments of 1992 also authorize several new grant programs to be administered by OJJDP:

- Part E, State Challenge Activities, authorizes grants to States participating in the Part B Formula Grants Program that provide up to 10 percent of a State's Formula Grants Program allocation for each of 10 challenge activities in which the States participate.
- Part F, Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect, authorizes grants to public and nonprofit private organizations for treatment of juvenile offenders who are victims of child abuse or neglect, transitional services, and related research.
- Part G, Mentoring, authorizes three-year grants to or in partnership with local education agencies for mentoring programs designed to link at-risk youth with responsible adults to discourage youth involvement in criminal and violent activity.
- Part H, Boot Camps, authorizes grants to establish up to ten military-style boot camps for delinquent juveniles.
- Title V, Incentive Grants for Local Delinquency Prevention Programs, authorizes grants to local governments for a broad range of delinquency prevention activities targeting youth who have had contact with, or are likely to have contact with, the juvenile justice system.

In FY 1994, two of the five new programs listed above received an appropriation—Part G Mentoring ($4 million) and Title V Incentive Grants ($13 million). These programs are not included in this plan, nor are programs authorized and funded under the Victims of Child Abuse Act of 1990, as amended.

Fiscal Year 1994 Program Planning Activities

The OJJDP program planning process for Fiscal Year 1994 is coordinated with the Assistant Attorney General, Office of Justice Programs (OJP), and the four other Program Bureau components of the OJP. The program planning process involves the following steps:

- Internal review of existing programs by OJJDP staff;
- Internal review of proposed programs by OJP Bureaus and selected Department of Justice components;
- Review of information and data from OJJDP grantees and contractors;
- Review of information contained in State comprehensive plans;
- Review of comments made by youth services providers, juvenile justice practitioners and researchers;
- Consideration of suggestions made by juvenile justice policy makers concerning State and local needs; and
- Consideration of all comments received during the period of public comment on the Proposed Comprehensive Plan.

Discretionary Program Activities

Discretionary Grant Continuation Policy

OJJDP has listed on the following pages continuation projects currently funded in whole or in part with Part C and Part D funds and eligible for continuation funding in Fiscal Year 1994, either within an existing project period or through an extension for an additional project period. A grantee's eligibility for continued funding for an additional budget period within an existing project period depends on the grantee's compliance with funding eligibility requirements and achievement of the prior year's objectives.

Continuation funding consideration for an additional project period for previously funded discretionary grant programs will be based upon several factors, including:

- The extent to which the project responds to the applicable requirements of the JJDP Act;
- Responsiveness to OJJDP and Department of Justice Fiscal Year 1994 program priorities;
- Compliance with performance requirements of prior grant years;
- Compliance with fiscal and regulatory requirements;
- Compliance with any special conditions of award; and
- Availability of funds (i.e. based on program priority determination).

In accordance with 42 U.S.C. 5665a, section 262 (d)(1)(B), the competitive process described in subparagraph (A) of such section shall not be required if the Administrator makes a written determination waiving the competitive process:

(1) With respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) that a major disaster or emergency exists; or

(2) with respect to a particular program described in part C that is uniquely qualified.

OJJDP seeks to focus its assistance on the development and implementation of programs with the greatest potential for reducing juvenile delinquency and to cultivate partnerships with State and local organizations. To that end, OJJDP has set three goals that constitute the major elements of a sound policy for juvenile justice and delinquency prevention:

- To promote delinquency prevention efforts,
- To foster the use of community-based alternatives to the traditional juvenile justice system, and
- To improve the juvenile justice system.

Delinquency Prevention

A sound policy for juvenile delinquency prevention strives to strengthen the most powerful contributing factor to good behavior: A productive place for young people in a law-abiding society. Preventive measures can operate on a large scale, providing gains in youth development while reducing youthful misbehavior. The first goal of OJJDP is to identify and promote programs which prevent or preclude minor, serious, and violent delinquency from occurring (and which prevent the commission of status offenses).

Community-Based Alternatives

Communities cannot afford to place responsibility for juvenile crime entirely on the juvenile justice system. A sound policy for combatting juvenile crime makes maximum use of a community's less formal, often less expensive, and less alienating responses to youthful misbehavior. OJJDP's second goal is to identify and promote community-based alternatives for each stage of a child's contact with the juvenile justice system, emphasizing options which are least

restrictive and promote or preserve positive ties with the child's family, school and community.

Improvement of the Juvenile Justice System

The limited resources of the juvenile justice system must be reserved for the most difficult and intractable problems of juvenile crime. A sound policy concentrates the more formal, expensive, and restrictive options of the juvenile justice system in two areas:

- Youth behavior which is most abhorrent and least amenable to preventive measures and community responses; and
- Problems of youths and their families which exceed community resources and require more stringent legal resolution.

The third goal of OJJDP is to promote improvements in the juvenile justice system and facilitate the most effective allocation of system resources.

Fiscal Year 1994 Programs

The following are brief summaries of each of the proposed new and continuation programs for Fiscal Year 1994. The specific program priorities proposed within each category are subject to change with regard to their priority status, estimated amount, sites for implementation, and other descriptive data and information based on the review and comment process, grantee performance, application quality, fund availability, and other factors. OJJDP has a limited amount of appropriations available for new programs in Fiscal Year 1994. New programs are therefore being proposed with funding levels subject to change based on public review and comment. New programs may also be added to the plan based on the review and comment process.

A number of programs contained in this document have been identified for funding by Congress with regard to the grantee(s), the amount of funds, or both. An asterisk (*) indicates those programs. In addition, the 1994 Appropriations Act Conference Report for State, Justice, Commerce, and Related Agencies identified 10 programs for the Office of Juvenile Justice and Delinquency Prevention to examine and provide grants if warranted. Concept papers were requested from the 10 programs and are currently under review by OJJDP staff. To the extent that FY 1994 Part C and D funds are used to fund these programs, those funds would reduce the amounts available for funding programs identified in this program plan.

Fiscal Year 1994 Program Listing

Delinquency Prevention	
New Programs:	
Children and Firearms	$150,000
Family Strengthening Support	500,000
Media Violence	125,000
Mental Health in the Juvenile Justice System	200,000
Children of Incarcerated Parents	100,000
Law-Related Education in Juvenile Justice Settings*	440,000
Innovative Approaches in Law-Related Education*	260,000
National Student/Parent Mock Election*	100,000
Delinquency Prevention	
Continuation Programs:	
Law-Related Education (LRE)*	2,700,000
The Congress of National Black Churches:	
National Anti-Drug Abuse Program	200,000
Partnership Plan, Phase V (Cities in Schools)	300,000
Targeted Outreach with a Gang Prevention and Intervention Component (Boys and Girls Clubs)	500,000
Satellite Prep School Program and Early Elementary School for Privatized Public Housing	600,000
Teens, Crime and Community: Teens in Action in the 90s*	1,000,000
Race Against Drugs	115,000
Missing Children:	
Prevention, Early Intervention, and Mediation Project for Missing and Exploited Children	75,000
Missing and Exploited Children Prevention and Services	75,000
Paul and Lisa Prevention and Intervention Efforts: Expansion and Improvement of Non-Profit Organization Projects	75,000
Project Nino Seguro Services—Addressing Missing and Exploited Children	45,258
Community-Based Alternatives	
New Programs:	
Program to Promote Alternative Programs for Juvenile Female Offenders	400,000
Serious, Violent, and Chronic Juvenile Offender Treatment Program	2,000,000
Field-Initiated Research Program	300,000
Community-Based Alternatives	
Continuation Programs:	
Permanent Families for Abused and Neglected Children*	225,000
National Network of Children's Advocacy Centers*	500,000
Professional Development for Youth Workers	200,000
School Safety Center	250,000
Juvenile Restitution	250,000
Insular Area Support*	403,000
OJJDP Technical Assistance Support Contract: Juvenile Justice Resource Center	650,000
Native American Alternative Community-Based Program	600,000
Missing Children:	
Community Action for the Prevention of Missing and Exploited Children	125,000
Provide Services to Recovered Missing Children and Their Families	30,000
Improvement of the Juvenile Justice System	
New Programs:	
Violence Studies*	1,000,000
Child Centered Community-Oriented Policing	300,000

What Works: Programs for Juvenile Female Offenders	100,000
Training for Line Staff in Juvenile Corrections and Detention	250,000
Integrated Gang Program (Part D)	2,000,000
Marketing the Conditions of Confinement Study	125,000
Conditions of Confinement Follow Up—Performance Standards	250,000
Training and Technical Support for State and Local Jurisdictional Teams to Focus on Juvenile Corrections and Detention Overcrowding	125,000
Statistics Improvement Project	275,000
Intensive Community-Based Aftercare Demonstration, Technical Assistance, and Evaluation Program	750,000
National Juvenile Justice and Delinquency Prevention Training and Technical Assistance Center	300,000
Telecommunications Assistance	200,000
Interventions to Reduce Disproportionate Minority Confinement in Secure Detention and Correctional Facilities (The Deborah M. Wysinger Memorial Program)	600,000
Non-Violent Dispute Resolution	250,000
Models of Effective Court Based Service Delivery to Children and Their Families	250,000
Delinquency Prevention Training and Technical Assistance	560,000
Improvement of the Juvenile Justice System	
Continuation Programs:	
Children in Custody	300,000
Juvenile Justice Clearinghouse	1,006,798
Coalition for Juvenile Justice*	650,000
Juvenile Justice Data Resources	25,000
Juvenile Justice Statistics and Systems Development	550,000
Juveniles Taken Into Custody (JTIC): Interagency Agreement	200,000
National Juvenile Court Data Archive*	611,000
Law Enforcement Training and Technical Assistance Program (Gangs)	250,000
Contract for the Evaluation of OJJDP Programs	652,341
Children at Risk	350,000
Delay in the Imposition of Sanctions	100,000
Enhancing Enforcement Strategies for Juvenile Impaired Driving Due to Drug and Alcohol Abuse	75,000
Violence Study—Causes and Correlates*	300,000
Training and Technical Assistance for Juvenile Detention and Corrections (The James E. Gould Memorial Program)	225,000
Training for Juvenile Corrections Staff	475,000
Improvement in Correctional Education for Juvenile Offenders	200,000
Improving Literacy Skills of Institutionalized Juvenile Delinquents	250,000
Juvenile Court Training*	1,074,000
Technical Assistance to the Juvenile Courts*	390,000
Due Process Advocacy Program Development	250,000
Training in Cultural Differences for Law Enforcement/Juvenile Justice Officials	150,000
Bootcamps for Juvenile Offenders: Constructive Intervention and Early Support	550,000
Comprehensive Gang Initiative	500,000
Missing Children:	
National Center for Missing and Exploited Children/Resource	3,600,000
Training and Technical Assistance for Nonprofit Missing and Exploited Children's Organizations	250,000
Model Treatment and Services Approaches for Mental Health Professionals Working with Families of Missing Children	200,000
Obstacles to Recovery and Return of Parentally Abducted Children: Training, Technical Assistance	250,000
Development and Expansion of the Child Find Mediation Program to Locate Missing and Exploited Children and Prevent Child Abduction	75,000
ECHO Program Expansion Assistance	19,538
Missing and Exploited Children Comprehensive Action Plan (M/CAP)	999,905
Funding Support for Private Non-profit Organizations Involved with Missing and Exploited Children	70,500
Investigative Case Management of Missing Children Homicides	150,000
Missing Children Data Archive	50,000
Remember They're Children: Using Video to Train Law Enforcement Personnel	200,000
National Alzheimer's Patient Alert Program: Safe Return*	650,000

Delinquency Prevention

New Programs

Congress has appropriated $13 million in Fiscal Year 1994, under Title V of the JJDP Act, for a new delinquency prevention program. This program also supports OJJDP's Comprehensive Strategy by reducing the onset of delinquency among youths who might otherwise have begun on a pathway to serious, violent and chronic delinquency. Moreover, "community planning teams" will be established under this program to conduct risk and resource assessments in order to determine what delinquency prevention programs are needed for a particular jurisdiction. In communities that are planning system responses for serious, violent and chronic offenders, the work of these planning teams will be coordinated with other system planning.

The following are some key features of this program:

- Some 5,000 community leaders will be trained in the risk and resource assessment process over the next few months.
- Communities will then submit applications for Federal funding for local prevention programs that the community leaders and planning teams have determined are needed to prevent delinquency, based on the community's determination of its needs and priorities. Communities must provide a matching contribution and should establish partnerships with the private sector, especially corporations and foundations.
- These prevention programs will include a number of multi-disciplinary program approaches incorporated in the

Attorney General's national agenda for children:

—Job training and employment opportunities,
—Drug abuse education,
—After school programs, and
—Other programs cutting across disciplines and linking schools and social service agencies.

Other delinquency prevention programs are set forth below for which communities engaging in comprehensive community planning can apply directly to OJJDP for funding. They include projects that initiate or expand specific family strengthening efforts. In addition to self-help, these include crisis intervention and treatment models. Families that will benefit include those that have children in the juvenile justice system, including non-English speaking families. Communities wishing to help troubled families as a means of preventing delinquency will be provided such resources as a publication on Family Strengthening Program Models.

Children and Firearms

$150,000

This is a collaborative effort which will be jointly funded by OJJDP, the National Institute of Justice and Centers for Disease Control and Prevention. Deaths among juveniles by firearms have reached an all-time high. Every day in America, 12 youths ages 19 and under are killed in gun accidents, suicides and homicides. Many more are wounded. In 1989, 2,367 children and teenagers were murdered with guns; 1,380 committed suicide with guns; and 567 died in unintentional shootings.

This is a new initiative with the primary goal of preventing and reducing the number of illegal guns accessible to juveniles. The project would incorporate a program development model consisting of four phases: (1) Assessment, (2) model(s) development and related policies and procedure development, (3) training and technical assistance, and (4) testing and dissemination. Each phase will consist of a plan, a final report or products, and a dissemination strategy.

The program would be designed to prevent youths from utilizing guns to settle disputes. A single cooperative agreement would be awarded for up to $150,000 in Fiscal Year 1994 to complete phases 1 and 2 (assessment and model development).

Family Strengthening and Support

$500,000

Strengthening and supporting families, including non-English speaking families, is a priority area in the JJDP Act and a key component of a comprehensive approach to delinquency prevention. In support of this priority, the Office proposes to provide funding to a select number of local jurisdictions (city and county) to initiate or expand specific family-strengthening interventions and treatment programs for English speaking and non-English speaking families that involve the juvenile justice system, schools, and other local entities.

A major family-strengthening research project funded by OJJDP was recently completed. The University of Utah and Pacific Institute for Research and Evaluation produced a User's Guide, "Strengthening America's Families: Promising Parenting and Family Strategies for Delinquency Prevention," and an Executive Summary that reviews both the current impact of family characteristics on risk for delinquency and the most promising family change interventions. Given the multiple variations of intervention strategies, the project recommends the organization of family strengthening programs and services according to the family's level of functioning and the child's age. The researchers identified a representative group of 25 programs as particularly promising. Special attention must also be given to cultural issues for non-English speaking families.

In this program, OJJDP would solicit applications from local jurisdictions (city and county) which provide a preliminary plan for developing comprehensive family-strengthening programs including programs for non-English speaking families. OJJDP would support the implementation of new or expanded family-strengthening efforts to improve parental functioning as part of an overall plan to prevent delinquency or intervene with youth who are in the juvenile justice system. The project would also support the development of a comprehensive plan to target other Federal, State, and local resources to fund and operate a range of services to juveniles and their families, including self-help programs such as parent-support groups. This program would be competitively funded with approximately 5 applications selected at a funding level of up to $100,000 each year for three years.

Media Violence

$125,000

The National Youth Violence Forum, "Safeguarding our Youth: Violence Prevention for our Nation's Children" held in Washington, DC, July 21 and 22, 1993, recognized that an increasing number of American citizens no longer perceive the electronic media as neutral entertainment. Participants suggested that the public can change the content and impact of negative media messages through audience education and networking. As such changes will not occur quickly, long-term vision and strategies are required. Recommendations included support for a major public movement to challenge corporate media to act as more responsible citizens in an increasingly violent society. This recommendation recognizes the potential of the media, particularly television, to prevent delinquency and other at-risk behaviors such as delinquency, drug abuse, and truancy and to educate the public on successful programs for youth.

In response to these recommendations, OJJDP would support a program which develops consumer-oriented materials that inform parents, teachers' groups, youth-serving organizations, youth groups, and community organizations about the relationship between electronic media violence and aggressive behavior. The purpose of this program would be to stimulate advocacy to reduce violence on television and in music and other media. The program would also support dissemination of existing consumer materials such as those developed by the program "Turn Off The Violence."

Mental Health in the Juvenile Justice System

$200,000

This program would implement a two-pronged strategy to address the mental health and juvenile justice systems' lack of coordinated and adequate mental health treatment for America's at-risk and delinquent youth. Juveniles specifically targeted under the two-phased strategy proposed are those with mental health problems and impairments, including learning disabilities, who are at risk of becoming status or delinquent offenders, and alleged and adjudicated status offenders and delinquents with undiagnosed or untreated mental health problems, including those in residential care or in juvenile detention and correctional facilities.

The first phase would be funded in Fiscal Year 1994 to develop and implement a two-day conference for up to 200 attendees to address the topics of at-risk juveniles and juveniles with mental health problems or learning disabilities in the juvenile justice system. The purpose of the conference would be to bring together individuals from multiple disciplines to discuss

potential solutions to the failure to address the mental health needs of at-risk juveniles and those in our juvenile justice system in a coordinated and systematic manner. The conference would recommend actions that community organizations and local, State, and Federal agencies need to take to address this issue. The conference would be developed in cooperation with the Centers for Mental Health Services and Maternal and Child Health of the Department of Health and Human Services and components of other federal agencies, as appropriate.

The second phase, to be considered for funding in Fiscal Year 1995, would establish three to six demonstration programs at the State and local levels to plan comprehensive, coordinated and collaborative approaches to improving mental health services for juveniles.

Children of Incarcerated Parents

$100,000

This program is designed to provide supportive services to children whose parents are incarcerated. These juveniles are at particularly high-risk of involvement in delinquent behavior and becoming victims of abuse or neglect.

Up to two awards would be made at a cost not to exceed $50,000 each to support organizations and agencies that address the special needs of children of incarcerated parents.

Awards would be competitive, and while no specific program strategy is required, issues to be addressed must be specified. Successful applicants must demonstrate that they are currently providing, or have an integrated plan to provide, special services which address the needs of children whose parents are incarcerated, including but not limited to, the areas of parental education, housing, physical and mental health, family strengthening activities, mentoring, and care-giver support.

*Law-Related Education in Juvenile Justice Settings**

$440,000

This Law Related Education (LRE) Program (and the Innovative Approaches program that follows) is established pursuant to section 299(e) of the JJDP Act which provides that 20 percent of the funds appropriated for the national law-related education program under section 261(a)(6) "shall be reserved each fiscal year for not less than two programs that did not receive funding prior to October 1, 1992."

In 1990, OJJDP began experimenting with LRE for at-risk youths when its consortium of grantees implemented the national LRE program in schools. Interim assessments of this effort suggest positive effects on youths. Administrators and staff of facilities and programs using LRE with this target population have been extremely supportive of the effort.

To expand and augment these initial activities, OJJDP funded two organizations in Fiscal Year 1993 to provide training and technical assistance in law-related education focused on youths in juvenile justice settings. Fiscal Year 1993 awards were made to American Correctional Association/New York Division for Youth and to the Virginia Commonwealth University/Virginia Institute for Law and Citizenship Studies for implementation of LRE in juvenile justice settings.

Applications will be solicited for two new projects to be funded under the initiative in Fiscal Year 1994. The program's major objectives are to increase awareness of LRE in the juvenile justice community; develop or adapt and disseminate LRE curricula and lesson plans used to train youths under the supervision of the juvenile court; provide training and technical assistance to teachers and others in the juvenile justice system; increase public awareness of LRE in juvenile justice settings; and develop an implementation model for future evaluation of this intervention with targeted youths.

*Innovative Approaches in Law-Related Education**

$260,000

The purpose of this initiative is to provide support for programs to develop promising, innovative ideas for the delivery of law-related education. The program encompasses the following objectives:

- To promote and support innovative research, development, demonstration, or training programs in the field of law-related education;
- To encourage new methods of focusing law-related education on delinquency prevention within or outside the traditional classroom setting; and
- To develop knowledge that will lead to new techniques, approaches, or methods to deliver law-related education for purposes of preventing delinquency.

Fiscal Year 1993 awards were made to the Boulder County (Colorado) Board of County Commissioners and to the Professional Development and Training Center at the University of Maryland.

Applications will be solicited for up to three new projects to be funded under this initiative for Fiscal Year 1994 for one year project periods.

*National Student/Parent Mock Election**

$100,000

The National Student/Parent Mock Election (NSPME) is an educational exercise in American government and civic responsibility. It invites millions of middle and high school youth to participate with their parents to cast a "mock" vote on the candidates running for Office in November, 1994 and on key issues facing the country.

The program is a law-related education experience that includes a curricula that is highly interactive and concludes with the mock election itself. The program is administered by a non-profit organization which relies on an extensive group of volunteers to conduct mock elections throughout the country. The vote on Mock Election Night (usually one week prior to Election Day) will be televised from a national election headquarters in Washington, D.C. (During past mock elections, Cable News Network carried the election results "live.") The program relies on a number of private and public organizations donating facilities, equipment and expertise.

Delinquency Prevention

Continuation Programs

*Law-Related Education (LRE)**

$2,700,000

The Law-Related Education (LRE) National Training and Dissemination Program currently involves five national LRE projects and programs which operate in 48 States and four jurisdictions.

The program's purpose is to provide training and materials to State and local school jurisdictions to encourage and guide them in establishing LRE delinquency prevention programs in K-12 curricula and in juvenile justice settings. Grantees will be encouraged to emphasize drug abuse prevention programs in primary, middle, and secondary schools in urban minority communities. The major components of the program are coordination and management, training and technical assistance, preliminary assistance to future sites, public information, program development, and assessment.

This program will be implemented by the current grantees, the American Bar Association, the Center for Civic Education, the Constitutional Rights Foundation, the National Institute for Citizen Education in the Law, and the Phi Alpha Delta Legal Fraternity. No

additional applications will be solicited in Fiscal Year 1994.

The Congress of National Black Churches: National Anti-Drug Abuse Program

$200,000

OJJDP proposes the continuation of this organization's national public awareness and mobilization strategy to address the problem of drug abuse and drug abuse prevention in targeted communities across the United States. The goals of the national mobilization strategy are to summon, focus, and coordinate the leadership of the black religious community in cooperation with the Department of Justice and other federal agencies and organizations to help mobilize groups of community residents to combat effectively the supply and demand problems of drug abuse and drug-related crime activities among adults and juveniles.

The program would be expanded to address family violence intervention issues and target up to 10 additional cities. No additional applications would be solicited in Fiscal Year 1994.

Partnership Plan, Phase V (Cities in Schools)

$300,000

This program is a continuation of a national school dropout prevention model developed and implemented by Cities in Schools, Inc. (CIS). CIS provides training and technical assistance to States and local communities enabling them to adapt and implement the CIS model. The model brings social, employment, mental health, drug prevention, entrepreneurship and other resources to high-risk youths and their families at the school level. Where CIS State organizations are established, they will assume primary responsibility for local program replication during the "Partnership Plan, Phase V."

This program is jointly funded by OJJDP and the United States Departments of Labor, Health and Human Services, and Commerce under an OJJDP grant. The total award for Fiscal Year 1993 was $1,400,000. This project would be implemented by the current grantee, Cities in Schools, Inc. No additional applications would be solicited in Fiscal Year 1994.

Targeted Outreach With a Gang Prevention and Intervention Component

$500,000

This program is designed to enable local Boys and Girls Clubs to prevent youths from entering gangs and to intervene with gang members in the early stages of gang involvement to divert them away from gangs and toward more constructive programs. The National Office of Boys and Girls Clubs would provide training and technical assistance to the 81 existing sites and add 25 new gang prevention and 6 intervention sites. The program would be implemented by the current grantee, Boys and Girls Clubs of America. No additional applications would be solicited in Fiscal Year 1994.

Satellite Prep School Program and Early Elementary School for Privatized Public Housing

$600,000

This is a continuation of a demonstration program, in which OJJDP supported the establishment of an early elementary school program in Ida B. Wells Public Housing Development in Chicago, Illinois. This program is a collaborative effort between OJJDP, the Chicago Housing Authority (CHA), and the Westside Preparatory School and Training Institute (WSP) to establish a Prep-School on the premises of the Ida B. Wells Housing Development for kindergarten to fourth grade children living in this public housing development.

The Wells Prep-School opened with kindergarten and first grade students on September 14, 1992. In September 1993 a second grade was added. The Prep-School has been established and operates as an early intervention educational model based upon the Marva Collins Westside Preparatory School educational philosophy, curriculum, and teaching techniques. The Westside Preparatory School, a private institution located in the Chicago's inner city, has had dramatic success in raising the academic achievement level of low-income minority children. Fiscal Year 1994 funds will be used to continue the operation and management of the school to continue technical assistance for the program and to add a third grade. Awards will be made to existing grantees. No additional applications will be solicited in Fiscal Year 1994.

*Teens, Crime, and Community: Teens in Action in the 90s**

$1,000,000

This continuation program is conducted by the National Crime Prevention Council (NCPC) and the National Institute for Citizen Education in the Law (NICEL). Teens in Action in the 90s is a special application of the Teens, Crime and the Community program, which operates on two premises: (1) Teens are disproportionately victims of crimes, and (2) teens are resources that can contribute to improving their schools and communities through a broad array of activities.

Under the Fiscal Year 1994 award, NCPC and NICEL will work through the National Teens, Crime, and the Community Program Center to harness the energies of young people toward constructive activities and to reduce crime and violence. The Program Center will be enlarged to serve as a formal clearinghouse for information and materials dissemination and to provide technical assistance and training to communities in establishing the program. With the increase in resources, NCPC will significantly expand the number of communities participating in this program.

This program will be implemented by the current grantees. No additional applications will be solicited in Fiscal Year 1994.

Race Against Drugs

$115,000

Race Against Drugs (RAD) is a unique drug awareness, education and prevention campaign designed to help young people understand the dangers of drugs and live a non-impaired lifestyle. With the help and assistance from 21 motorsports organizations and the cooperation of the Federal Bureau of Investigation and National Child Safety Council it has become a fun and exciting new addition to drug abuse prevention programs. RAD now includes national drug awareness and prevention activities at schools, malls and motorsports events, posters, 21 TV public service announcements, signage on T-Shirts, hats, decals, etc., and specialized programs like the "Adopt-a-School Essay and Scholarship" programs: and 6–8 grades school Be A Winner Action Book, A RAD Adult Guide and A RAD Coloring Book for K–4 grades. This program will be jointly funded by the Bureau of Justice Assistance (BJA) ($40,000) and OJJDP ($75,000) and will be implemented by the current grantee, National Child Safety Council. No additional applications will be solicited in Fiscal Year 1994.

Missing Children

Prevention, Early Intervention, and Mediation Project for Missing and Exploited Children

$75,000

The purpose of this project, administered by Our Town Family

Center of Tucson, Arizona, is to enhance the range of services to missing, exploited, and abused children and their families. These services include a school-based prevention program and home-based crisis intervention services. A new family mediation and dispute resolution program seeks to reduce the negative impact of high-conflict divorce and separation on children. The project will provide training workshops for local juvenile justice and school personnel. No additional applications will be solicited during Fiscal Year 1994.

Missing and Exploited Children Prevention and Services

$75,000

The purpose of this project, administered by Counseling Services of Addison County, Middlebury, Vermont, is to continue to expand and develop services to assist missing and exploited youth and their families in Addison County. Project activities include community education programs on child safety issues, counseling, outreach and safe shelter services for runaway and thrownaway youths, training for law enforcement officers, and crisis counseling for families of missing children. No additional applications will be solicited during Fiscal Year 1994.

Paul and Lisa Prevention and Intervention Efforts: Expansion and Improvement of Non-Profit Organization Projects

$75,000

This project expands Paul & Lisa's school-based exploitation prevention program in Connecticut, New York, and New Jersey. Project activities include helping children develop ways to handle and discourage sexual advances, abduction, and exploitation by adults, and providing school personnel and service providers with strategies to prevent these problems and assist missing and exploited children. Training and technical assistance to organizations and coalitions in selected cities will be provided. No additional applications will be solicited during Fiscal Year 1994.

Project Niño Seguro Services—Addressing Missing and Exploited Children

$45,258

This project, administered by South Bay Community Services of Chula Vista, California, serves English-speaking and Spanish-speaking communities by providing education, information, and services to parents, children, and the community. The project is designed to reduce the occurrence of missing, abducted and exploited children. Project Niño Seguro provides direct counseling to individuals, families, and peer groups. No additional applications will be solicited during Fiscal Year 1994.

Community-Based Alternatives

New Programs

Communities attempting to refocus their juvenile justice system resources on serious, violent and chronic juvenile offenders will be assisted in developing and implementing comprehensive programs for juvenile offenders that combine accountability with treatment and rehabilitation services. These sites will be planning and implementing as many elements of OJJDP's Comprehensive Strategy as resources permit. If successful, they will serve as models for other jurisdictions.

Communities will also be assisted in developing a continuum of community-based care for offenders who do not present a threat to the public safety. For example, a program to provide a continuum of alternatives for females in the juvenile justice system is proposed.

In addition, a field-initiated research program will provide support to address issues related to the Comprehensive Strategy, including mental health issues, family preservation, and waiver and transfer to the criminal justice system.

Program To Promote Alternative Programs for Juvenile Female Offenders

$400,000

Historically, the unique service needs of females have not been given adequate attention in the juvenile justice system. Not only do females represent a smaller percentage of the delinquent population, when females act out their problems, they more often than boys become self-destructive, run away, become involved in prostitution, or turn to unhealthy, exploitative, or abusive environments for attention and shelter. Females may be further victimized when they seek help or come under the juvenile justice system because there are so few resources available to them. Since 1974, the JJDP Act has called for alternatives to confinement for females who have been placed in secure residential programs for less serious offenses than males or confined for longer periods than males.

Today, however, increasing numbers of females live on the streets or in unhealthy, exploitative, or abusive environments. Studies document the inequities of services between males and females and the perpetuation of a cycle of generational abuse, teen pregnancy, delinquency, and emotional dysfunction.

This initiative would fund four to six demonstration projects to serve the needs of female status offenders, delinquents, dependents, dropouts, and pregnant or teenage mothers. Each selected site must develop a comprehensive continuum of services designed to meet the unique needs of at-risk female juveniles. The programs must include such specific components as training and education, life management and personal growth skills, health and counseling, parenting skills, job training skills, and community service. The resources provided for the first year would be used to support planning, initial development and implementation of the program.

This program would be coordinated with the Women's Bureau of the Department of Labor and the Psychology Services and Special Needs Offender Division of the Bureau of Prisons.

This program would be competitively funded with the four to six sites funded at a level of up to $100,000 each during Fiscal Year 1994.

Serious, Violent and Chronic Juvenile Offender Treatment Program

$2,000,000

In Fiscal Year 1993, under a competitive announcement OJJDP funded two jurisdictions (Allegheny County, Pennsylvania Juvenile Court and the Department of Human Services in Washington, DC) to develop a plan for a systematic strategy for juvenile offenders that combines accountability and sanctions with increasingly intensive community-based intervention, treatment, and rehabilitation services as the seriousness of the offense increases or warrants. The plan's basic elements are to (1) assess the existing continuum of secure and nonsecure intervention, treatment, and rehabilitation services in each jurisdiction; (2) define the juvenile offender population; (3) develop and implement a programmatic strategy; (4) develop and implement an evaluative design; (5) integrate private nonprofit community-based organizations into juvenile offender services; (6) incorporate an aftercare program as a formal component of all residential placements; (7) develop a resource plan to enlist the financial and technical support of other Federal, State, and local agencies, private foundations, or other funding sources; and (8) develop a victim assistance component utilizing local organizations.

In Fiscal Year 1994, funds will be awarded noncompetitively to support implementation of the plan in the initial two sites, if they successfully develop action plans. In addition, funds will be competitively awarded to two new sites to plan and implement a comprehensive treatment program. All grants would be for up to $500,000 each.

Field-Initiated Research Program

$300,000

The Field-Initiated Research Program seeks to develop promising and innovative research programs relevant to the mission of OJJDP. This program offers an opportunity for support for research ideas generated in the field rather than by OJJDP. Priority topics would include mental health issues, gender bias, rural delinquency, family preservation, due process, waiver and transfer to the criminal justice system, violent youth gangs, disproportionate minority representation, institutional crowding, and other issues directly related to OJJDP's "A Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders."

OJJDP would provide up to three awards of up to $100,000 each under this program.

Community-Based Alternatives

Continuation Programs

*Permanent Families for Abused and Neglected Children**

$225,000

This is a national project to prevent unnecessary foster care placement of abused and neglected children, to reunify the families of children in care, and to ensure permanent adoptive homes when reunification is impossible. The purpose of this project is to ensure that foster care is used only as a last resort and as a temporary solution. Accordingly, the project is designed to ensure that government's responsibility to children in foster care is duly acknowledged by the appropriate disciplines. Project activities include national training programs for judges, social service personnel, citizen volunteers, and others under the Reasonable Efforts Provision of 42 U.S.C. 671(a)(15); training in selected lead States; and development of a model guide to risk assessment.

The program will be implemented by the current grantee, the National Council of Family and Juvenile Court Judges. No additional applications will be solicited during Fiscal Year 1994.

*National Network of Children's Advocacy Centers**

$500,000

This program will continue to support the National Network of Children's Advocacy Centers through the development and implementation of coordinated training, technical assistance, and information sharing programs. The network links local Children's Advocacy Center programs whose purpose is to provide multi-disciplinary coordination in the investigation and prosecution of child abuse cases, limited seed money, training, and technical assistance. National leaders in this effort are the National Children's Advocacy Center in Huntsville, Alabama; the University of Oklahoma's Justice Center in Tulsa, Oklahoma; and the National Children's Advocacy Center in Honolulu, Hawaii, two of which will be under contract to provide training and technical assistance. A continuation application will be solicited from one organization in the National Network. No other applications will be solicited during Fiscal Year 1994.

Professional Development for Youth Workers

$200,000

The primary purpose of this program is to promote professional development of youth service and juvenile justice system providers through formal training. The program will include an inventory of existing training programs and their effectiveness, a needs assessment training survey, the development of curricula for several program settings, the design of a dissemination strategy, and the creation of an implementation plan for the second half of a two-year program.

Initially funded in Fiscal Year 1992, the Academy for Educational Development, Inc. will continue this three year program in Fiscal Year 1994. No additional applications will be solicited in Fiscal Year 1994.

School Safety Center

$250,000

The purpose of this collaborative program between OJJDP and the Department of Education is to provide training and technical assistance regarding school safety to elementary and secondary schools, and to identify methods to diminish crime, violence, and illegal drug use in schools and on campuses, with special emphasis on gang-related crime. The National School Safety Center (NSSC) maintains a library and clearinghouse with specialized information, provides research on school safety issues, and develops publications and training programs. These funds would focus on prevention of drug abuse and violence in schools and establish State personnel trained in school safety to provide technical assistance to localities.

The Department of Education contributed to the support of this program with a transfer of $1 million of Fiscal Year 1993 funds for expenditure in Fiscal Years 1993–1994. This program would be implemented by the current grantee, the National School Safety Center at Pepperdine University. No additional applications would be solicited in Fiscal Year 1994.

Juvenile Restitution

$250,000

OJJDP will continue to support the juvenile restitution training and technical assistance program in Fiscal Year 1993. The project design is based on practitioner recommendations for current needs in the field. OJJDP initiated a survey on how best to expand and institutionalize restitution as a viable juvenile justice disposition. In addition to the survey, a working group was convened to help map out the course of OJJDP's support for optimum development of the components of restitution. These components will include community service, victim reparation, victim-offender mediation, offender employment and supervision, employment development, and potential program elements designed to establish restitution as an important alternative in improving the juvenile justice system. This project is guided by the need to provide a balance of community protection, offender competency development and accountability in the provision of community-based sanctions.

The Division of Applied Research of Florida Atlantic University was competitively selected in Fiscal Year 1992 to implement this three year project. No additional applications will be solicited in Fiscal Year 1994.

*Insular Area Support **

$403,000

The purpose of this program is to provide supplemental financial support to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands (Palau), and the Commonwealth of the Northern Mariana Islands. These funds are available to address the special needs and problems of juvenile delinquency in the insular areas, as specified by section 261(e) of the JJDP Act, 42 U.S.C. 5665(e).

OJJDP Technical Assistance Support Contract: Juvenile Justice Resource Center

$650,000

The purpose of this contract is to provide technical assistance and support to OJJDP, the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in the areas of program development, evaluation, training, and research. The program will be completed during FY 1994.

Native American Alternative Community-Based Program

$600,000

This program is designed as a collaborative interagency effort between OJJDP and other public and private organizations concerned about juvenile delinquency among Native Americans. Its purpose is to develop community-based alternative programs for Native American youths adjudicated delinquent and to develop a re-entry program for Native American delinquents returning from institutional placements. A multi-component design has been developed in the four project sites. Additional training and technical assistance will be provided to integrate the critical elements of the OJJDP Intensive Supervision and Community-Based Aftercare programs with cultural elements traditionally used by Native Americans to control and rehabilitate offending youths.

The project sites, initially funded in Fiscal Year 1992, are the Red Lake Band of Chippewa Indians, the Navajo Nation, the Gila River Indian Community and the Pueblo of Jemez. A training and technical assistance provider, The National Indian Justice Center, provides the sites with training and technical assistance. No additional applications will be solicited in Fiscal Year 1994.

Missing Children

Community Action for the Prevention of Missing and Exploited Children

$125,000

This project enables the District of Columbia's Center for Child Protection and Family Support to expand its direct service activities to high-risk inner city youths, specifically teenage parents, through the development of a specialized education component designed to educate families on child safety, enhance their understanding of potential abduction and exploitation, and improve the systematic response to dealing with the issues of missing and exploited children. No additional applications will be solicited in Fiscal Year 1994.

Provide Services To Recovered Missing Children and Their Families

$30,000

The purpose of this project is to support the activities of Find the Children of Los Angeles, California, as coordinator of a local multi-agency task force activated upon the recovery of a child. Find the Children coordinates interagency communication to evaluate a child's or family's needs at the time of recovery, assists them in obtaining access to available services, collects data, manages relevant treatment-intervention plans, and issues reports in conjunction with the Interagency Council of Child Abuse and Neglect. No additional applications will be solicited in Fiscal Year 1994.

Improvement of the Juvenile Justice System

New Programs

The new programs funded under this objective support the Comprehensive Strategy. The four new violence studies will provide valuable information regarding community violence patterns, with a particular focus on homicides, and identify strategic law enforcement responses. Child-centered community policing will be furthered, under joint support from the Bureau of Justice Assistance, in New Haven, Connecticut. The city's exemplary program will serve as a host site for training other jurisdictions. In another effort, promising program models for prevention, intervention, and treatment of female juvenile offenders will be identified and distributed to jurisdictions across the country. Other projects will focus on detention and corrections, helping the juvenile justice system refocus resources on the most serious, violent, and chronic offenders while improving conditions of confinement.

Finally, a major effort under this objective will be focused on community interventions with violent youth gangs. Additional funds appropriated this year for Part D of the JJDP Act will be used to expand the Office's previous work in this area into an Integrated Gang Program to include demonstration programs and evaluation, research, training, technical assistance, and information dissemination. Many cities experiencing gang problems will benefit directly from information and technical assistance resource to address gang violence.

*Violence Studies**

$1,000,000

The 1992 Amendments to the JJDP Act require OJJDP to conduct a study on violence in Milwaukee, Wisconsin; Los Angeles, California; Washington, DC; and one rural area. Building on the results of OJJDP's Program of Research on Causes and Correlates, the study will address the incidence of violence committed by or against juveniles in urban and rural areas of the United States. In Fiscal Year 1993 OJJDP initiated the study by supporting its planning phase. The study design, to be completed by the end of calendar 1993, will be detailed in the final OJJDP program plan for Fiscal Year 1994. It is anticipated that awards will be made to conduct studies in each of the four designated sites.

Child-Centered Community-Oriented Policing

$300,000

In Fiscal Year 1993, OJJDP provided support to the New Haven, Connecticut, Police Department and the Yale University Child Development Center to document a child-centered community-oriented policing model, the first phase of which is being implemented in New Haven. The basic elements of the model are a ten-week training course in child development for all new police officers and child development fellowships for all community-based sergeants who direct neighborhood police teams. Fellowships provide four to six hours of training a week over a three-month period at the Child Study Center; 24 hour consultation services from a clinical professional and a police supervisor to patrol officers to assist children in violent situations; weekly case conferences with police officers, educators, and child study center staff; open police stations located in neighborhoods available to residents, used for purposes other than processing arrestees; community liaison; and neighborhood foot patrols.

For Fiscal Year 1994, Community Policing funds transferred from the Bureau of Justice Assistance would support a technical assistance and training grant to support the New Haven and Yale partnership in serving as a host site to jurisdictions interested in replicating the essential elements of the model. Participating jurisdictions must either have an established community-oriented policing program which lends itself to replicating the child-centered elements or have strategic plans for implementing a community-oriented

policing model, and propose to replicate the model's essential elements.

Additionally, eligible jurisdictions must have the support of the mayor, or chief executive, and must have as co-applicant the human services agency responsible for providing social, medical, or psychological services to families and children in the jurisdiction. Jurisdictions selected will send a team of the city's key decision makers (mayor, police chief, director of human services agency) to New Haven for intensive orientation, followed by an extended visit from key staff of the agencies responsible for implementing the program. On-site technical assistance will be available from New Haven during implementation.

The program is expected to reduce the disproportionate incarceration of minority youths and the number of youths referred to detention and jails by training patrol officers to support prevention activities and to intervene positively with youths. Jurisdictions interested in participating in this program would coordinate with Yale/New Haven to apply for consideration. Details would be provided in the final program plan. No additional applications would be solicited in Fiscal Year 1994.

What Works: Programs for Juvenile Female Offenders

$100,000

This project would include both an assessment of promising programs providing prevention and treatment services for juvenile females and a national symposium of researchers and practitioners. Because female status offenders are detained at a much higher rate than males, this project would also examine alternatives to detention. The assessment and symposium would be coordinated with States who, under the OJJDP Formula Grants Program and the Government Accounting Office, are examining gender-bias and gender specific services in the juvenile justice system. The conference papers and proceedings will identify critical issues related to prevention, intervention, and treatment alternatives for female juvenile offenders. This would be a one-year project culminating in a report on promising approaches. One cooperative agreement application from public and nonprofit private agencies would be funded in an amount up to $100,000.

Training for Line Staff in Juvenile Corrections and Detention

$250,000

OJJDP proposes to support a multi-year training program for line staff of juvenile corrections and detention facilities. The training would convey that the mission of juvenile justice is to create a positive environment that encompasses education, social services, mental and physical health, and corrections. Training curricula would be designed or developed from existing resources that are timely, current, and meet the needs of the populations served in these facilities. For example, training could be offered in risk assessment, a range of treatment modalities, behavior management, safety and health issues, peer mediation, and conflict resolution.

A certification program would be developed to facilitate development of progressive skills. Special attention would be devoted to motivation in relation to institutional culture. The grantee chosen to implement the program would establish a limited technical assistance capability to complement this program. Practitioner-oriented organizations are encouraged to submit joint applications. One application would be funded in the amount of up to $250,000.

Integrated Gang Program

$2,000,000

OJJDP is developing an integrated program design to implement the Part D Gang-Free Schools and Communities; Community-Based Gang Intervention Program established under the 1992 Amendments to the JJDP Act. Part D contains two Subparts: (1) Gang-free schools and communities, and (2) Community-based Gang Intervention. OJJDP's integrated program would include demonstration projects (including program evaluations), research projects, information dissemination activities, training programs, and technical assistance. The overall program would be designed to implement the gang component of OJJDP's "A Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders." Individual program elements and projects would be detailed in the final OJJDP program plan for Fiscal Year 1994.

Marketing the Conditions of Confinement Study

$125,000

The recently completed Abt Associates report on the Conditions of Confinement study, which focused primarily on standards conformity, provided a preliminary analysis of data collected under this research. There are numerous substantive areas that have not yet been explored. The keen interest of the field in the results of this first report indicates the need to provide support to further analyze the data base, particularly data from site visits and interviews with facility staff, youths, and administrators; prepare practitioner-friendly reports; respond to ad hoc requests for special data analyses; and make specialized presentations to a variety of audiences who have an interest in improving conditions of confinement.

Further analysis and dissemination of this report will provide support to the National Consortium formed to foster the implementation of the study recommendations. A continuation grant would be awarded to Abt Associates. No additional applications would be solicited in Fiscal Year 1994.

Conditions of Confinement Follow Up—Performance Standards

$250,000

One of the major findings of the Abt Associates "Conditions of Juvenile Confinement" study is that existing correctional standards are procedural in nature and do not, even if complied with, reflect positively on conditions of confinement in the institutions that house our nation's troubled youths.

A group of corrections and detention administrators who met in Austin, Texas, in the spring of 1993, concluded that performance-based standards must be developed if the field is to move toward improved services for youths and greater accountability for performance in service areas. In developing these standards, drafters will be required to confer and agree on their goals, and to define indicators that measure goal attainment.

The grantee selected would work with representatives from a broad-based consortium of corrections and detention practitioners and youth advocacy professionals in education, health, mental health, and social services to develop, on a priority basis, measurable performance standards. In the second year, the grantee would develop a curriculum and technical assistance package with a strategy for marketing these standards. This curriculum would be field-tested and implemented in a selected number of sites in the third year. If funding levels permit a companion task in the second year would be the development and testing of a curriculum and technical assistance package for health care performance standards currently being developed by the National Commission on Correctional Health Care.

The standards developed under this initiative would be practitioner driven and enhance existing nationally

recognized standards for juvenile correction and detention facilities. The standards should cover system, staff, and youth performance as well as the quality of life for residents of these facilities.

OJJDP would solicit a multi-year grant for the development of performance-based standards for juvenile corrections and detention.

Training and Technical Support for State and Local Jurisdictional Teams To Focus on Juvenile Corrections and Detention Overcrowding

$125,000

The Conditions of Confinement Study identified overcrowding as the most urgent problem facing juvenile corrections and detention facilities. Overcrowding in juvenile facilities is a function of decisions and policies made at the State, county, and city levels. The trend in a number of jurisdictions toward the inappropriate use of detention and commitment to State facilities has been reversed when key decision makers, such as the chief judge, chief of police, director of the local detention facility, head of the State juvenile correctional agency, and others who affect the flow of juveniles through the system, agree to make decisions collaboratively and to modify practices and policies. In some instances, modification has occurred in response to court orders. Compliance with court orders is improved with the support of enhanced interagency communication and planning among those agencies affecting flow.

To address the problems of overcrowded facilities, OJJDP plans to support an initiative focused on implementing the recommendations of the Abt study regarding overcrowding. This project would involve developing training and technical assistance materials for use by State and local jurisdictional teams. Assistance would be provided in planning and problem solving strategies to reduce or prevent overcrowding in juvenile facilities. Follow-up technical assistance would also be provided to assist in carrying out plans and strategies developed under the training phase.

It is anticipated that one competitive grant or cooperative agreement in the amount of $125,000 would be awarded in FY 1994.

Juvenile Statistics Improvement

$275,000

OJJDP proposes to fund a project to improve juvenile custody statistics and further the development of an integrated and comprehensive program of national juvenile justice statistics. The initial emphases of this program will focus on: (1) Juvenile custody statistics, and (2) information on juveniles waived or transferred to criminal court. Custody was chosen for improvement because custody statistics are needed to monitor the custody rates and characteristics of offenders who penetrate the juvenile justice system and the types of intervention received.

OJJDP recently convened a Juvenile Custody Statistics Symposium of juvenile justice practitioners, data collectors, providers, and users to help OJJDP reexamine data needs regarding the juvenile custody population and the custody function. The participants' feedback on the need for timely, useful and accurate information is reflected in this plan. The Symposium produced consensus on a number of short-term and long-term needs. In the immediate future, OJJDP will take steps to rebuild the data collection infrastructure of custody and waiver/transfer statistics. The design of work for the waiver and transfer data collection will be informed by the results of the General Accounting Office study of juvenile waiver to criminal court.

The Symposium also produced general consensus regarding data collection priorities and requirements. Within this framework, OJJDP is weighing specific redesign options for producing custody statistics. To this end, OJJDP proposes to pilot test new data collection methods to examine their feasibility and utility among the tests under consideration are the following:

- The design of a new effort to collect individual level data on juveniles in facilities. This new effort will capture detailed demographic and offense data.
- A redesign of facility-based information collections. The anticipated data collections would revitalize the present collection efforts and build on the success of the Conditions and Confinement study.
- A new detention data collection effort to monitor the use of detention and to serve as a barometer of activity in the juvenile justice system.

In order to collect data on juveniles tried in criminal court, OJJDP will pretest data collection instruments for possible use in a supplemental award to the BJS National Prosecutor's Survey.

These pilot tests would explore new data collection technologies (such as computer aided surveys, telephone data entry, and electronic submission of data).

OJJDP anticipates a one-year award of $275,000 to a qualified organization to carry out the necessary technical support tasks associated with statistical redesign efforts.

Intensive Community-Based Aftercare Demonstration, Technical Assistance, and Evaluation Program

$750,000

This initiative is designed to support the implementation, delivery of technical assistance, and the evaluation of a selected number of jurisdictions currently participating in an OJJDP-sponsored pilot program.

Eight pilot test sites (NC, NJ, TX, CO, NV, PA, VA, MI) will compete for the opportunity to participate in a national independent evaluation. Four sites will be selected and will be awarded up to $100,000 each to partially support the program design demonstration. An estimated $140,000 will be awarded to an independent evaluation contractor to complete initial evaluation design work and document the process. Funding from Fiscal Years 1995 and 1996 will be utilized to support an impact evaluation.

The Johns Hopkins University will receive a supplemental award of up to $210,000 to continue to provide technical assistance and training to all sites making progress towards implementation. The project period for this initiative will be 36 months. Awards will be made in 12 monthly increments.

National Juvenile Justice and Delinquency Prevention Training and Technical Assistance Center

$300,000

Sections 244, 245, and 246 of the JJDP Act of 1974, as amended, authorize support of training and technical assistance programs for juvenile justice and related personnel. These services have been provided through grants, cooperative agreements, and interagency agreements using a variety of training formats and materials. OJJDP proposes to establish comprehensive and uniform training coverage of the field in order to increase the effectiveness of OJJDP-supported training and technical assistance. To achieve this, the Office would issue a solicitation for a contract to establish a Training and Technical Assistance Center to provide the following services and activities to the juvenile justice field:

- A centralized access point for information about training and technical assistance;
- Development of specialized training teams to assist State and local programs, respond to specialized issues or needs, and provide training and certification of trainers;

- Development and distribution of training and technical assistance materials;
- Support for National and regional training events;
- Assessment and evaluation of training programs;
- Information on training models and specific issues affecting training of staff working with juveniles; and
- Provide opportunities for networking and exchanging information and ideas to create learning opportunities for youth development professionals.

The Center would provide the following benefits to support OJJDP training and technical assistance responsibilities:

- Support coordination of all OJJDP training and technical assistance projects;
- Respond immediately to emerging training needs through development and delivery of specialized training and technical assistance;
- Support an agency managed system for effective monitoring of contracted services, efficient use of services, and prevention of overlap of services;
- Coordinate data regarding participants and curricula received from OJJDP-funded grantees and contractors and centralize the information gathered;
- Facilitate the exchange of information about training technologies and provide access to information resources.

In the first year, a catalogue of OJJDP's training activities would be published, including course descriptions, training organizations, and schedules. Other products of the Center during the first year would include the design and testing of a trainers curriculum, production of training manuals and training jurisdictional teams to respond to critical issues and problems. A competitive multi-year contract in the initial amount of $300,000 would be awarded in Fiscal Year 1994.

Telecommunications Assistance

$200,000

Developments in information technology and distance training can expand and enhance the information dissemination, training and technical assistance activities of OJJDP programs. These technologies can be employed to enhance present capabilities for existing grantees by increasing access of persons in the juvenile justice system to information and training, reducing travel costs to conferences, and saving time used to attend meetings requiring one or more nights away from one's home or office.

OJJDP proposes to award a cooperative agreement to a qualified organization to provide program support, technical assistance and necessary equipment for a variety of information technologies, including audio-graphics, satellite teleconferences, and fiber-optic teleconferences. OJJDP would select from among its grantees to provide the curricula or program information to be presented via telecommunications technologies. A secondary purpose of the grant program would be to support OJJDP in marketing the technology for additional users. A cooperative agreement in the amount of $200,000 would be awarded in Fiscal Year 1994.

Interventions To Reduce Disproportionate Minority Confinement in Secure Detention and Correctional Facilities (The Deborah Ann Wysinger Memorial Program)

$600,000

National data and studies have demonstrated that minority offenders are overrepresented in secure facilities across the county. In response to this problem, OJJDP issued regulations in 1989 requiring States participating in the Formula Grants Program to determine the existence of 'disproportionate minority confinement and to design strategies to reduce the problem where it exists. As of February 1993, 42 States had completed the required data analyses, with all but one determining that minority juveniles were overrepresented in secure facilities. Analysis of the data provided by the States further indicates that minority youths are disproportionately represented at several points in the juvenile justice system.

This competitive Special Emphasis program would provide funds to States to demonstrate effective strategies designed to eliminate the overrepresentation of minority juveniles in secure detention or correctional facilities, adult jails and lockups, and other secure institutional facilities. Activities appropriate for funding under this initiative would include such programs as:

- Training and education programs for law enforcement and juvenile justice practitioners;
- Diversion programs for minority youths who come in contact with the juvenile justice system;
- Prevention programs in communities with high numbers of minority residents;
- Programs to increase the capacity of community-based organizations to provide alternatives to detention for minority youths; and
- Aftercare programs designed to assist minority youths returning to their communities from secure institutions.

Grants would be available to State Agencies as defined in section 223(a)(1) of the JJDP Act in amounts ranging from $25,000 to $100,000 for the implementation and evaluation of interventions to reduce disproportionate minority confinement. In addition to the general selection criteria applied to all OJJDP competitive application solicitations, the Office will take into consideration the jurisdiction's development of multiple strategies to address the problem and need based on high minority overrepresentation indices as identified in the Phase I data collection analysis. Programs will be required to coordinate with OJJDP's program evaluation contractor.

Non-Violent Dispute Resolution

$250,000

The Non-Violent Dispute Resolution program is a joint effort of OJJDP and the Bureau of Justice Assistance (BJA) to test a variety of proposed strategies to train teenage students to constructively manage anger, resolve conflict(s), learn the importance of mutual respect, and be responsible for their actions. Up to three organizations and/or agencies will be identified to implement program models. Qualified applicants must have demonstrated successful work in programs which include collaborative efforts among educators, counselors, criminal justice representatives, and parents/caretakers. Applications will be solicited by BJA on a competitive basis.

Models of Effective Court Based Service Delivery to Children and Their Families

$250,000

The expanding role of State courts in today's complex society is particularly evident in the struggle to address the problems and needs of children and families. Courts often have the charge of monitoring and enforcing treatments recommended by human services professionals, sanctions sought by law enforcement agencies, and mandates imposed by Federal and State legislation. In many instances, courts are the last resort for dysfunctional families. Because of these trends, courts have become, often by default, service coordinators, attempting to match the needs of individuals to services available in the community. Courts are undertaking the role of service provider in a vacuum of information of what works and why.

This program would develop and demonstrate effective models for the acquisition, delineation and provision of social services through court auspices. It would examine the nature and extent of the services provided by courts; at what points in the process the services are provided; and, the extent of the coordination of the services across individuals, cases, and service providers. The effectiveness of the models would be evaluated based on their impact on court operations (e.g., the resources needed to implement various models) and the quality of the services provided to clients. This program builds on the results of the recent National Symposium on Courts, Children, and Families conducted by the National Center for State Courts in cooperation with the Conference of State Court Administrators. OJJDP would participate in and provide funding for this program through the Bureau of Justice Assistance under a cooperative agreement with the National Center for State Courts. No additional applications would be solicited in Fiscal Year 1994.

Delinquency Prevention Training and Technical Assistance

$560,000

The purpose of this contract is to provide nationwide training and technical assistance (TA) to local jurisdictions in developing and implementing comprehensive community-wide risk-focused delinquency prevention strategies under title V, section 505, of the JJDPA. The specific training and TA objectives are to: Provide communities with a full understanding of the risk-focused delinquency prevention approach; provide a mechanism for the key leadership of a community to develop consensus on an overall strategy; provide a strategy for involving the entire community in delinquency prevention planning; provide a process for communities to conduct a risk and resource assessment; provide communities with a strategy for developing an action plan based on the results of the risk and resource assessment; and provide communities with a strategy to implement their action plan.

The training will be provided in cooperation with the state agencies that administer the Formula Grants program. A sole source contract has been awarded to Developmental Research and Programs, Inc. to provide training in the "Communities that Care" prevention strategy.

Improvement of the Juvenile System

Continuation Programs—Children in Custody

$300,000

Under this collaborative program between the OJJDP and U.S. Bureau of the Census, OJJDP proposes to transfer funds to the U.S. Bureau of the Census to conduct the biennial census of public and private juvenile detention, correctional, and shelter facilities. The census describes the target facilities in terms of their resident population as well as their programs and physical characteristics.

The program would be implemented under an interagency agreement with the U.S. Bureau of the Census. No additional applications would be solicited in Fiscal Year 1994.

Juvenile Justice Clearinghouse

$1,006,798

Part of the National Criminal Justice Reference Service (NCJRS), the Juvenile Justice Clearinghouse provides support to OJJDP in: (1) Collecting, synthesizing and disseminating information on all aspects of juvenile delinquency; (2) developing publications; and (3) preparing specialized responses to information requests from the juvenile justice field. The Clearinghouse maintains a toll-free number for information requests.

The Clearinghouse also reviews on an continuing basis reports, data, and standards relating to the juvenile justice system in the United States and develops special resource products for the juvenile justice community.

The Clearinghouse serves as an information center for the acquisition and dissemination of information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability or resources, training and educational programs, statistics, and other pertinent data and information. The Clearinghouse serves as an information bank systematically collecting and synthesizing the data and knowledge obtained from research and evaluation by public and private agencies, institutions or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency.

Recognizing the critical need to inform juvenile justice practitioners and other policymakers on program approaches which hold promise, the Clearinghouse continually develops and recommends new strategies to communicate the research findings and program activities of OJJDP to the practitioner community.

The entire NCJRS contract, of which the JJC is a part, and which is administered by the National Institute of Justice (NIJ), is scheduled for competitive award in Fiscal Year 1994.

*Coalition for Juvenile Justice**

$650,000

The Coalition for Juvenile Justice (Coalition) was established in 1983 as the National Coalition of State Juvenile Justice Advisory Groups. It was renamed the Coalition for Juvenile Justice effective January 1, 1993. The Coalition supports and facilitates the purposes and functions of State juvenile justice advisory groups. In 1984, Congress tasked the Coalition to review Federal policies regarding juvenile justice and delinquency prevention, prepare and submit an Annual Report and recommendations to the President and Congress, and provide advice to the OJJDP Administrator. The Coalition is also authorized to develop an Information Center for Juvenile Justice and Delinquency Prevention Programs, to conduct an Annual Conference and to disseminate information, data, standards, advanced techniques, and program models. No additional applications will be solicited in Fiscal Year 1994.

Juvenile Justice Data Resources

$25,000

This program addresses the need to enhance the availability of juvenile justice data sets for secondary analysis. It will be implemented under an interagency agreement with the University of Michigan. No additional applications will be solicited in Fiscal Year 1994.

Juvenile Justice Statistics and Systems Development

$550,000

The purpose of this program is to improve Federal, State, and local juvenile justice statistics and to enhance decision making and management information systems (MIS) within the juvenile justice system. The project is divided into two tracks, the National Statistics Track (NST) and Systems Development Track (SDT). The NST helps to formulate a comprehensive National Juvenile Justice Statistics program which will include a series of regular reports on the extent and nature of juvenile offenses and victimization and the justice system's response to the same. A major product will be a *Report*

to the Nation on Juvenile Crime and Victimization.

The SDT will assess juvenile justice agencies' decision making, needs, and abilities to generate and use information; develop models for decision making and related MIS; and develop and provide training and technical assistance to promote the adoption of model systems in test sites.

The program will be implemented by the current grantee, the National Center for Juvenile Justice. No additional applications will be solicited in Fiscal Year 1994.

Juveniles Taken Into Custody (JTIC): Interagency Agreement

$200,000

The U.S. Bureau of the Census is working with OJJDP to develop a national comprehensive statistical reporting system responsive to the information requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and to the needs of the juvenile justice field for data on juvenile custody populations in order to assist State legislatures and juvenile justice professionals in planning and policy-making decisions. The Census Bureau acts as the data collection agent for the JTIC program. The program will be implemented under an interagency agreement with the U.S. Bureau of the Census. No additional applications will be solicited in Fiscal Year 1994.

*National Juvenile Court Data Archive**

$611,000

This program collects, processes, analyzes, and disseminates available data concerning the Nation's juvenile courts. The Archive collects automated data and published reports from juvenile courts throughout the Nation. Using the automated data, the Archive produces comprehensive reports on the activities of the juvenile courts. These reports examine referrals, offenses, intake, and dispositions as well as specialized topics such as minorities in juvenile courts or specific offense categories. The Archive provides assistance to jurisdictions in analyzing their juvenile court data.

The program will be implemented by the current grantee, the National Center for Juvenile Justice. No additional applications will be solicited in Fiscal Year 1994.

Law Enforcement Training and Technical Assistance Program (Gangs)

$250,000

This project provides technical assistance and training for Federal, State, and local law enforcement agencies to promote a better understanding of the juvenile justice system. This program offers six training programs:

- Police, Prosecution, Probation Operations Leading to Improved Children and Youth Services (POLICY I & 2) assists mid-level managers to develop management strategies that integrate juvenile services into mainstream law enforcement operations and demonstrates step-by-step methods to improve police productivity in the juvenile justice area.
- The Child Abuse and Exploitation Investigative Techniques program provides law enforcement officers with state-of-the-art approaches for building a case against individuals charged with child abuse, sexual exploitation, or the abduction of children.
- The Managing Juvenile Operations program provides a series of training approaches for police executives which demonstrates simple, yet effective, methods to increase departmental efficiency and effectiveness by integrating juvenile services into mainstream police activity.
- School Administrators for Effective Police, Probation, and Prosecutors Operations Leading to Improved Children and Youth Services (SAFE POLICY) brings together the chief executives of schools, law enforcement agencies, prosecution and probation divisions to promote interagency cooperation and coordination in dealing with youth-related problems.
- A new training program on the Serious Habitual Offender Comprehensive Action Program (SHOCAP) has been developed for the POLICY series of training programs.

The Gang and Drug POLICY Training Program helps local jurisdictions develop a comprehensive strategy for combatting gangs and drugs. The objectives of this training program are to:

(1) Provide a process for community leaders to develop cooperative strategies that address the problems resulting from gang and drug activities;

(2) Promote an awareness and recognition of (a) the problems of gangs and drugs, (b) justice system practices, (c) behavior patterns of gangs and gang members, and (d) current system practices and demonstration projects;

(3) Provide strategies and techniques for public and private interagency partnerships dealing with community gang and drug-related problems;

(4) Clarify and document the roles, responsibilities, and issues relating to an interagency approach to the prevention, intervention, and suppression of the illegal activities of youth gangs;

(5) Encourage leadership and innovation in the management and resolution of gang and drug problems; and

(6) Develop or improve the response capacity to gang and drug issues through an effective interagency model which matches resources to demands.

This program will be continued in Fiscal Year 1994 under an existing competitive contract award.

Contract for the Evaluation of OJJDP Programs

$652,341

Information is being collected on the efficiency, cost-effectiveness, and impact of OJJDP programs implemented through discretionary grants, interagency agreements, contracts, and possibly formula grants. OJJDP will use the reported findings, including strengths, weaknesses, and other assessment data, to make policy and planning decisions. The information may also benefit Congress, other Federal agencies, and State and local juvenile justice and child service staffs.

The grantee is:

1. Providing evaluative assessments of potential programs;

2. Conducting a process evaluation of, and designing an impact evaluation for, the Satellite Prep School project;

3. Designing a process and impact evaluation for the LRE Juvenile Justice Initiative project; and

4. Evaluating: (a) The training provided under the Gang and Drug POLICY program; (b) The Intensive Community-Based Aftercare project; (c) NIC Training for Juvenile Detention and Corrections Personnel; (d) The Disproportionate Representation of Minorities Initiative; and (e) The Serious Habitual Offender Comprehensive Action Program.

The contract is awarded to Caliber Associates for a three-year period. Third year funding, to be awarded in Fiscal Year 1994, is $652,341. No additional applications will be solicited in Fiscal Year 1994.

Children at Risk

$350,000

OJJDP, the Bureau of Justice Assistance (BJA), and the Center on Addiction and Substance Abuse (the Center) of Columbia University have undertaken a joint effort to help communities rescue their high risk pre-adolescents from the interrelated threats of crime and drugs. The program tests a specific intervention strategy for reducing and controlling illegal drugs

and related crime in target neighborhoods and fosters healthy development among youths from drug- and crime-ridden neighborhoods. Multi-service, multi-disciplinary neighborhood-based programs are being established which will provide a range of opportunities and diverse services for pre-adolescents and their families who are at high risk of involvement in illegal drugs and crime. Simultaneously, the criminal and juvenile justice systems are targeting resources to reduce illegal drug use and crime in the neighborhoods where these young people reside. OJJDP funds are used for the delinquency prevention components of the program.

The Center has received funding from a number of Foundations, for this effort, which has been matched by OJJDP and BJA. Based on the proposals submitted, five communities were selected to receive funds beginning in Fiscal Year 1992 to implement programs over a three-year period: Seattle, Washington; Memphis, Tennessee; Bridgeport, Connecticut; Austin, Texas; and Savannah, Georgia. Foundation and government funding of between $500,000 and $1 million was allocated per community. The program will be implemented by the current grantee in the five communities. OJJDP funds will be transferred to BJA to implement the program under a BJA Grant and NIJ is supporting the evaluation with BJA funds. No additional applications will be solicited in Fiscal Year 1994.

Delay in the Imposition of Sanctions

$100,000

This project is a continuation of research undertaken to study the delays in the delivery of sanctions to juveniles in the juvenile court system. Where delays are found in the processing of juvenile court cases, the study will address the problems created by these delays and make realistic recommendations on how to correct the problems. This award will be the third and final year of funding for a three-year project and will support the completion of Phase III. Phase I and Phase II, which were completed in the first two years, consisted of a literature review and survey of court administrators to determine the extent to which processing delays occur, a description of the characteristics that define the problem, an identification of the points in juvenile court case processing that are most susceptible to delays, an intensive site study that evaluated the effect that case processing delays have on juvenile courts' effectiveness and efficiency in handling delinquency cases, including the effect on juveniles themselves. Phase III will be the final stage of this three-year project, entailing a review of the project findings and development of a set of recommendations on how the juvenile justice system can improve case processing and reduce unnecessary delays. The program will be implemented by the current grantee, the National Center for Juvenile Justice. No additional applications will be solicited in Fiscal Year 1994.

Enhancing Enforcement Strategies for Juvenile Impaired Driving Due to Drug and Alcohol Abuse

$75,000

This is a collaborative interagency program between OJJDP and the National Highway Traffic Safety Administration (NHTSA). The dollar amount of this program represents OJJDP's contribution. A total of $125,000 was awarded in Fiscal Year 1993 under this OJJDP grant. The purpose of this program is to combat the problem of youths involved in delinquent drinking and driving offenses by combining increased use of the arrest sanction and adopting uniform procedures for handling juvenile "driving under the influence" (DUI) arrestees. The result sought is an overall reduction in the incidence of drug- and alcohol-related accidents, injuries, and fatalities.

During Phase I of the program, the project developed a system-wide enforcement model which unites key criminal justice agency components—police, prosecutors, judges, and probation officers—into one comprehensive DUI enforcement program. In this second phase of the project, the model will be demonstrated in up to five sites. These sites will receive a variety of technical assistance services.

The program will be implemented by the current grantee, the Police Executive Research Forum. No additional applications will be solicited in Fiscal Year 1994.

*Violence Study—Causes and Correlates**

$300,000

OJJDP proposes to support additional analyses of data collected under its Program of Research on the Causes and Correlates of Delinquency, conducted at the State University of New York at Albany, the University of Pittsburgh, and the University of Colorado. The draft final report, "Urban Delinquency and Substance Abuse," is under review. To use the collected data more fully, additional analyses need to be performed. These analyses are intended to enhance OJJDP's program development for serious, chronic, and violent offenders. Topics for analysis will be determined by program development requirements. For example, development of risk assessment instruments would benefit from more specific analyses regarding risk factors and pathways to chronic, serious, or violent offending.

This program would be implemented by the grantees noted above. No additional applications will be solicited in Fiscal Year 1994.

Training and Technical Assistance for Juvenile Detention and Corrections (The James E. Gould Memorial Program)

$225,000

The project would continue to provide technical assistance and training to juvenile correctional and detention agencies, serve as a national forum on juvenile corrections and detention, hold workshops on selected key issues, provide on-site technical assistance, hold a National Juvenile Day Treatment Conference, and promote literacy education and networking.

The project, which would emphasize intermediate sanctions for non-violent juveniles involved in drug-related offenses and illegal activities in Fiscal Year 1994, would be implemented by the current grantee, The American Correctional Association. No additional applications would be solicited in Fiscal Year 1994.

Training for Juvenile Corrections Staff

$475,000

OJJDP proposes to continue the development and implementation of a comprehensive training program for juvenile corrections and detention staff through an interagency agreement with the National Institute of Corrections (NIC). The program is designed to offer a core curriculum for juvenile corrections and detention administrators and mid-level management personnel in such areas as leadership development, management, training of trainers, legal issues, cultural diversity, gang activity, juvenile programming for specialized needs of offenders, and overcrowding. The training would be conducted at the NIC Academy and regionally. This program would be implemented in Fiscal Year 1994 under an interagency agreement with NIC. No additional applications would be solicited in Fiscal Year 1994.

Improving Literacy Skills of Institutionalized Juvenile Delinquents

$250,000

This is a competitively awarded program funding two grants: Mississippi University for Women ($125,000), and The Nellie Thomas Institute of Learning ($125,000). Many juvenile delinquents in correctional institutions need to develop basic reading and writing skills. The program will improve the literacy levels of juvenile residents in these facilities while creating a national network of trained reading teachers and volunteers available to juvenile correctional facilities. It will include training, follow-up technical assistance on teaching methods, and a curriculum for use by the staff of detention and corrections facilities.

This program will be implemented by the current grantees, The Mississippi University for Women, and The Nellie Thomas Institute of Learning. No additional applications will be solicited in Fiscal Year 1994.

Improvement in Correctional Education for Juvenile Offenders

$200,000

The purpose of this program is to assist juvenile corrections administrators in planning and implementing improved educational services for detained and incarcerated juvenile offenders.

In Fiscal Year 1992, the National Office for Social Responsibility (NOSR) was awarded a three year cooperative agreement to begin a comprehensive assessment of the literature and to produce a report documenting the state-of-the-art practices in educational reform. The results will determine how the information will be used in the future to improve educational services for incarcerated juveniles.

NOSR also will be awarded up to $200,000 to provide training and technical assistance to selected sites that are interested in implementing correctional education reform. No additional applications will be solicited for this training and technical program during Fiscal Year 1994.

*Juvenile Court Training**

$1,074,000

The primary purpose of this project is to continue and refine the training and technical assistance program offered by the National Council of Juvenile and Family Court Judges. The training objectives are to supplement law school curricula, provide judges with current information on developments in juvenile and family case law, and make available options for sentencing and treatment. Emphasis will be placed on drug testing, gangs and violence, and intermediate sanctions. The project will provide foundation training to new judges and to experienced judges who have been recently assigned to the juvenile or family court bench.

The program will be implemented by the current grantee, The National Council of Juvenile and Family Court Judges. No additional applications will be solicited in Fiscal Year 1994.

*Technical Assistance to the Juvenile Courts**

$390,000

The National Center for Juvenile Justice (NCJJ), the current grantee, is the research division of the National Council of Juvenile and Family Court Judges. The four types of technical assistance available under the grant are (1) Information resources, (2) on-site consultation, (3) off-site consultation, and (4) cross-site consultation. Emphasis will be placed on intermediate sanctions for handling juveniles involved in drug-related offenses and gang activities. In addition, the project will examine appropriate use of juvenile records in adult court proceedings, including an examination of State laws and practices.

The current grantee, the National Center for Juvenile Justice, will implement the program. No additional applications will be solicited in Fiscal Year 1994.

Due Process Advocacy Program Development

$250,000

In Fiscal Year 1993, OJJDP funded the American Bar Association (ABA), in partnership with the Juvenile Law Center (JLC) of Philadelphia, PA and the Youth Law Center (YLC) of San Francisco, CA, to develop a due process advocacy program strategy. The goals of the program are to increase juvenile offenders' access to legal services; and to improve the quality of pre-adjudication, adjudication, and dispositional advocacy for juvenile offenders. These strategies will be made available to state and local bar associations and other relevant organizations so that they can develop approaches to increase the availability and quality of counsel for juveniles. The ABA and its partners (JLC and YLC) will assess the current state-of-the-art with regard to legal services, training and education, develop strategies to improve access, availability and the quality of counsel and provide a comprehensive report on these issues. During the second funding cycle, training materials will be developed and tested in selected sites. Training materials will be adjusted based on the experience in the test sites and a dissemination strategy will be developed. The ABA will develop mechanisms for networking with legal service providers such as public defender offices and Children's Law Centers. Fiscal Year 1994 funding will support the first six months of the total second year budget of this three year effort. An additional $250,000 will be provided from Fiscal Year 1995 funds for the remaining six months of the second year. No new applications will be solicited.

Training in Cultural Differences for Law Enforcement/Juvenile Justice Officials

$150,000

The project will complete, test, implement, and provide for the dissemination and juvenile justice system utilization of, a cultural diversity training curriculum. The curriculum will be designed to serve the training of trainers in the police/juvenile justice field, and will respond to the unique needs of the major components of the juvenile justice system. Thus, it is expected that training modules and supportive materials will be oriented to cover the aspects of cultural/ethnic diversity particularly relevant to law enforcement, detention staff, probation officers, judges, institutional personnel, aftercare workers, and others involved in the various juvenile justice processes. An award for the current phase of the project will be made to the present grantee, the American Correctional Association. No new applicants will be invited.

Bootcamps for Juvenile Offenders: Constructive Intervention and Early Support

$550,000

During Fiscal Year 1991, and after an extensive competitive review process, OJJDP selected and funded three jurisdictions to participate in the Bootcamp for Juvenile Offenders program. The program is designed to create an alternative intermediate-sanction program for non-violent juvenile offenders under the age of 18. The program is also designed to emphasize discipline, treatment and work in a military-style bootcamp program. These programs are also participating in an independent, national evaluation to document the process and impact of the program.

OJJDP will use funds transferred from the Bureau of Justice Assistance (BJA) to provide a limited amount of

supplemental funds to three currently Federally funded Bootcamp programs in a military-style bootcamp program based on their assessed needs. No new applications will be solicited in Fiscal Year 1994.

Comprehensive Gang Initiative

$500,000

In 1992, the Bureau of Justice Assistance (BJA) introduced the Comprehensive Gang Initiative. Funding for the Fiscal Year 1994 initiative will be a joint effort by BJA and OJJDP (OJJDP would transfer $500,000 to BJA to support this effort). The Police Executive Research Forum (PERF) has developed a model comprehensive approach to gang issues, which carefully balances initiatives for prevention, intervention and suppression. The model encompasses strategies which bring together cooperative and coordinated efforts of the police, other criminal justice agencies, human services providers and community programs. In addition to a prototype, PERF has developed a training curriculum and a program for providing technical assistance to model demonstration sites. The first four competitively selected demonstration sites were being funded during Fiscal Year 1993 and technical assistance was provided by PERF. Four additional sites will be funded in Fiscal Year 1994 through a competitive process. Applications would be solicited by BJA.

Missing Children

National Center for Missing and Exploited Children/Resource

$3,600,000

This grant will fund the National Center for Missing and Exploited Children to continue to provide the functions of a national resource center and clearinghouse on matters relevant to and required by Title IV—the Missing Children's Assistance Act. No additional applications will be solicited in Fiscal Year 1994.

Training and Technical Assistance for Nonprofit Missing and Exploited Children's Organizations

$250,000

This program will provide technical assistance and training to improve the capacity of nonprofit community-based missing children's organizations to engage in activities which will successfully prevent the abduction and sexual exploitation of children, assist in the recovery of children, and provide services to child victims and their families.

The program will be implemented by the current grantee, the National Victim Center, Arlington, Virginia. No additional applications will be solicited in Fiscal Year 1994.

Model Treatment and Services Approaches for Mental Health Professionals Working With Families of Missing Children

$200,000

The project's goals are to provide mental health personnel with effective treatment approaches and for the rehabilitation of families traumatized by child abduction and faced with re-establishing a state of normalcy in its aftermath. The current grantee is the Western Center for Child Protection, Reno, Nevada. No additional applications will be solicited in Fiscal Year 1994.

Obstacles To Recovery and Return of Parentally Abducted Children: Training, Technical Assistance

$250,000

The American Bar Association Center on Children and the Law, Fund for Justice and Education, recently completed two years of research that showed there are significant obstacles to location, recovery, and return of parentally abducted children. This project will attempt to alleviate some of these identified problems by developing products useful to the field, including continuing professional education and model statutes. No additional applications will be solicited in Fiscal Year 1994.

Development and Expansion of the Child Find Mediation Program To Locate Missing and Exploited Children and Prevent Child Abduction

$75,000

This program is designed to expand mediation program services to prevent parental abductions by increasing the level of awareness of the problem through public service announcements and programs targeting human resources, social service, health care professionals, and the clergy. Additional training will be provided for core mediators and Child Find staff in dispute resolution processes. No additional applications will be solicited in Fiscal Year 1994.

ECHO Program Expansion Assistance

$19,538

The purpose of this project is to enable the Exploited Children's Help Organization (ECHO) of Louisville, Kentucky, to expand existing services to missing and exploited children and their families. These services include community education and prevention; a quarterly newsletter providing information about missing and exploited children and the services available through ECHO; a parents support program; and the "Kids in Court" program. In cooperation with local police, ECHO will compile information about repeat runaways in order to develop a community runaway prevention program. No additional applications will be solicited in Fiscal Year 1994.

Missing and Exploited Children Comprehensive Action Plan (M/CAP)

$999,905

The Missing and Exploited Children Comprehensive Action Program (M/CAP) is a multi-agency community action program. The grantee is Public Administration Services, McLean Virginia. The primary program activity is to provide training and technical assistance to help communities plan responses to priority missing and exploited children issues. The program provides programmatic, policy, and procedural approaches, and assists multi-agency community organizations to plan and deliver services in a more cooperative and responsive manner. No additional applications will be solicited in Fiscal Year 1994.

Funding Support for Private Non-profit Organizations Involved With Missing and Exploited Children

$70,500

The purpose of this project is to continue the implementation of an in-house information storage and retrieval system. This will enable the Vanished Children's Alliance of San Jose, California to increase the efficiency of its direct services to families affected by the loss of their children, provide information to law enforcement, and other service providers in a more timely manner, provide more direct counseling and technical assistance to missing children and their families upon recovery, develop effective services for families of long-term missing children, and enhance Vanished Children's Alliance's crisis intervention and referral systems. No additional applications will be solicited in Fiscal Year 1994.

Investigative Case Management of Missing Children Homicides

$150,000

The purpose of this project is to analyze up to 400 missing children

homicide cases in order to identify, assess, test, demonstrate, and then describe the investigative practices that will most effectively solve missing and abducted children murder investigations.

The program development and activity will be carried out by the State of Washington Attorney General's Office, Criminal Investigation Division, and that Office's Homicide Investigation Tracking System (HITS), in collaboration with the National Center for Missing and Exploited Children (NCMEC) and NCMEC's cadre of volunteer investigators—America's Law Enforcement Retiree Team (ALERT). The products of the three-year project will be a child homicide investigative resource guide and a national law enforcement training and technical assistance program to aid local, State, and Federal agencies investigating missing children homicides. No additional applications will be solicited in Fiscal Year 1994.

Missing Children Data Archive

$50,000

OJJDP is committed to making publicly available all data sets produced from the Missing Children research programs. To do so, the research data files should be configured into a readily understandable data file with complete documentation. OJJDP has signed an Interagency Agreement with the University of Michigan for just such preparation and archiving of the data sets. Specifically, the University of Michigan will prepare the data and the documentation to conform to generally accepted standards for electronic data. In this way, the data will be more readily accessible for secondary analysis by policy analysts and researchers. During the past fiscal year, this project prepared the data from OJJDP's "National Study of Law Enforcement Agencies' Policies Regarding Missing Children and Homeless Youth." Previously, this project also prepared and distributed OJJDP's first "National Incident Study of Missing, Abducted, Runaway, and Thrownaway Children" (NISMART). In the coming year, OJJDP anticipates preparing the following data sets: "Families of Missing Children: Psychological Consequences and Promising Interventions," and "Obstacles to the Recovery and Return of Parentally Abducted Children."

Remember, They're Children: Using Video To Train Law Enforcement Personnel

$200,000

The purpose of the project is to minimize the negative impact of law enforcement investigative procedures on maltreated children. This will be accomplished through the intensive development and innovative dissemination to law enforcement personnel of a comprehensive video training curriculum designed to improve investigative responses to child victims of maltreatment.

The National Child Welfare Resource Center will provide small and medium-sized departments with the resources (video curriculum, dissemination avenues, national guidebooks, and other materials) to train and support their staff on how to conduct effective but nontraumatizing child abuse investigations. No additional applications will be solicited in Fiscal Year 1994.

*National Alzheimer's Patient Alert Program: Safe Return**

$650,000

This project supports the establishment of a national program to facilitate the identification and safe return of missing persons afflicted with Alzheimer's disease and related disorders. The goals of this project are: (1) To develop a central registry of computerized information on memory-impaired persons and a national toll-free telephone line to access the registry; (2) to create an identification system using ID jewelry and clothing labels, purchased and distributed through a central service; and (3) to produce educational materials for use and distribution by participating chapters of the Alzheimer's Disease and Related Disorders Association. No additional applications will be solicited in Fiscal Year 1994.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

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federal register

Thursday
March 31, 1994

Part III

Department of the Interior

Bureau of Indian Affairs

25 CFR Part 36

Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 36

RIN 1076–AC32

Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to amend its regulations to add definitions; to establish requirements for immunization against childhood diseases for children enrolled in Bureau-funded schools; to provide for the inclusion of Native language and culture into the curriculum; to provide schools the opportunity to develop unique mission and philosophy statements; to offer students alternative programs for high school completion; to provide for new testing requirements; to authorize tribal governing bodies or local school boards to waive or revise dormitory standards; and to establish a new timeline for submission of waivers.

DATES: Comments must be received on or before June 29, 1994.

ADDRESSES: Mail or hand deliver comments to Bette Haskins, Bureau of Indian Affairs, Office of Indian Education Programs, 1849 C St. NW./ MS 3512–MIB, Code 531, room 3543, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Bette Haskins, (202) 219–3817, Office of Indian Education Programs, 1849 C St. NW./MS 3512–MIB, Code 531, room 3543, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Bureau is proposing modifications and additions to existing regulations in order to incorporate the various recommendations, statutory requirements, and innovative strategies within the regulatory standards of 25 CFR part 36, Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations.

The BIA Office of Indian Education Programs (OIEP) held tribal consultation hearings, as required by 25 U.S.C. 2010(b)(1), to provide Indian tribes, school boards, parents, Indian organizations, and other interested parties an opportunity to comment on potential changes or issues being considered by the BIA regarding Indian education programs. These consultation hearings were held during January 1991, July 1991, January 1992, and July 1992 in Anchorage, AK; Phoenix, AZ; Sacramento, CA; Minneapolis, MN; Billings, MT; Albuquerque, NM; Gallup, NM; Oklahoma City, OK; Portland, OR; Aberdeen, SD; and Nashville, TN. The results of these hearings were used in developing the proposed rule.

The President's Goals 2000 school reform plan calls for local decision-making regarding the means for attaining improved educational achievement. Comments made during these consultation hearings fully supported allowing Bureau schools to develop their own unique mission and philosophy statements. Public Law 98–511, section 502, requires that standards established under section 1121 of Pub. L. 95–561 include a requirement for immunization against childhood diseases. Comments made during the consultation hearings regarding immunization of all students enrolled in BIA-funded schools indicated support of the requirement with the following concerns: (1) The need to include language that the Indian Health Service would immunize all students enrolled in BIA-funded schools; and (2) the need to reconsider imposing state standards on sovereign tribal entities.

Title I of Pub. L. 101–477, the Native American Languages Act, states, "It is the policy of the United States to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages." The President's Goals 2000 plan recognizes the need for students to be competent in more than one language. The final audit report by the Office of the Inspector General, "Implementation of the Education Amendments of 1978, Bureau of Indian Affairs," dated July 5, 1991, asserts that the Amendments require the Bureau to establish standards for the basic education of Indian children that would account for factors such as academic needs, local cultural differences, type and level of language skills, and geographical isolation. Comments made fully supported the inclusion of native language and culture in the curriculum, but underlined the need for funding to implement the requirement and sought clarification of the requirement. Only two comments opposed the requirement, stating that: (1) It was not the function of the local school and (2) it would be difficult to implement the requirement due to the languages differing from village to village.

The President's Goals 2000 plan also calls for "breaking the mold," radically altering the customary modes of teaching and learning and redesigning human relationships and organizational structure of schools to produce student learning. Comments made regarding alternative programs supported the requirement, but also underlined the need for funding and clarification of the requirement.

A report of the National Commission on Testing and Public Policy states, "The fundamental recommendation of the Commission is that current testing policies and practices be substantially restructured to help people develop their talents and become constructive citizens and to help institutions become more productive, accountable and just." The President's Goals 2000 plan calls for the establishment of national standards to measure student performance, which will foster good teaching and learning as well as monitor student progress. The majority of the comments were in support of new testing requirements that are more in line with the recommendation of the National Commission on Testing and Public Policy and the President's Goals 2000 plan. The major concerns regarding the new testing requirements were related to training of staff, funding, and the benefits to the students of testing in general. Those comments opposing the requirements were in opposition to any testing in general.

Public Law 100–297, section 5105, provides authority to waive dormitory criteria (standards) established under section 1122 of Public Law 95–561 in the same manner that academic standards may be waived. In regard to waivers of dormitory criteria, comments indicated support of the regulation change. There was, however, concern that the regulations would make it more difficult for boards to secure a waiver of standards. Previously, there has been no provision for securing a waiver of dormitory standards. This proposed regulation allows for waivers of dormitory standards in the same manner that academic standards may be waived. Comments received regarding a change in the waiver submission time indicated a favoring of a change to a November 15 deadline each year rather than the existing 75 days prior to the beginning of the school year.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding the proposed rule to the locations identified in the **ADDRESSES** section of this document.

The Department of the Interior has determined that this rule is not a significant regulatory action under Executive Order 12866 and therefore

will not be reviewed by the Office of Management and Budget.

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) since there are no increased or decreased costs, information collections, or involvement of small entities. The economic effects on current entities will not change.

The Department of the Interior has determined that this document does not require the preparation of a Takings Implication Assessment under Executive Order 12630, as it does not affect the use or value of private property.

The Department of the Interior has determined that this document is in compliance with Executive Order 12778, Civil Justice Reform, sections 2(a) and 2 (b)(2).

The Department of the Interior has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

There are no information collection requirements in this proposed rule that require the approval of the Office of Management and Budget under 44 U.S.C. 3501 et seq.

The primary author of this document is Bette Haskins, Planning, Oversight and Evaluation Staff, Office of Indian Education Programs, (202) 219–3817.

List of Subjects in 25 CFR Part 36

Elementary and secondary education, Childhood diseases, Dormitory criteria, Immunization, Indians–education, Schools.

For the reasons set out in the preamble, title 25, chapter I, subchapter E, part 36 of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 36—MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

1. The authority citation for 25 CFR Part 36 is revised to read as follows:

Authority: Section 502, 25 U.S.C. 2001; Section 5101, 25 U.S.C. 2001; Section 1101, 25 U.S.C. 2002; 5 U.S.C. 301; 25 U.S.C. 2 and 9; 25 U.S.C. 2901, Title I of Pub.L. 101–477.

2. Section 36.3, *Definitions*, is amended by removing the paragraph designations and by adding in alphabetical order the definitions of "Authentic assessment" and "Higher order thinking skills," as follows:

§ 36.3 Definitions.

* * * * *

Authentic assessment means the testing of higher order thinking skills by monitoring performance of tasks requiring analysis, creativity, and application skills in real life situations.

* * * * *

High order thinking skills (or advanced skills) means skills such as reading comprehension, written composition, and mathematical reasoning. They differ from so-called basic or discrete skills such as phonetic decoding and arithmetic operations.

* * * * *

3. Section 36.10, *Standard I—Philosophy and goals* is amended by revising paragraph (a) to read as follows:

§ 36.10 Standard I—Philosophy and goals.

(a) Each school shall develop a written mission statement and philosophy of education that addresses the accumulation of knowledge and development of skills, interests, appreciations, ideals, and attitudes within the school's total educational program. A statement of expected outcomes shall outline what the school is attempting to do to meet the needs and interests of its students and community in accordance with the school's mission statement and philosophy.

* * * * *

4. Section 36.11, *Standard II—Administrative requirements* is amended by adding a paragraph (d) as follows:

§ 36.11 Standard II—Administrative requirements.

* * * * *

(d) *Immunization.* School children shall be immunized in accordance with the regulations and requirements of the state in which they attend school.

5. Section 36.20, *Standard V—Minimum academic programs/school calendar* is amended by adding paragraphs (1), (2), (3) and (4) as follows:

§ 36.20 Standard V—Minimum academic programs/school calendar.

* * * * *

(d) * * *

(1) The school's language arts program shall diagnose the English and native language abilities of its students and provide instruction that teaches and/or maintains both the English and the primary native language of the school population. Programs shall meet local tribal approval.

(2) The school program shall include aspects of the native culture in all curriculum areas. Content shall meet local tribal approval.

(3) The school program shall diagnose the learning styles of its students and provide instruction based upon that diagnosis. The method for diagnosing learning styles shall be determined at the local level.

(4) The school program shall provide for at least one field trip per child per year to broaden social and academic experiences.

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6. Section 36.24, *Standard IX—Secondary instructional program* is amended by adding a paragraph (g) as follows:

§ 36.24 Standard IX—Secondary instructional program.

* * * * *

(g) Schools are encouraged to provide alternative programs that lead to high school completion for secondary students who do not function successfully in the regular academic setting.

7. Section 36.42, Standard XV—Counseling services is revised as follows:

§ 36.42 Standard XV—Counseling services.

Each school shall offer student counseling services concerned with physical, social, emotional, intellectual, and vocational growth for each individual. Counseling services will also include a school-wide assessment program. Each Agency and Area, as appropriate, shall institute and supervise an assessment program for its schools in order to provide for the objective assessment of student academic performance. Required formal tests shall be administered annually to all regular program students in grades 4, 8, and 12. (The testing of Chapter 1, Special Education and Gifted/Talented students shall be in accordance with respective regulations.) If required by state certification standards, schools may use the state mandated academic achievement tests and accompanying requirements. These formal tests and their subtest contents, as well as the test-related procedures, shall include, but not be limited to, the following:

(a) Each Spring, schools shall conduct testing for grades 4, 8, and 12 using a current version of a standardized academic achievement test based on the national assessment standards designed to assess higher order thinking skills. All schools shall keep a current record, with the Office of Indian Education Programs, of the test the school

administers each Spring and the testing dates.

(b) Schools shall utilize some form of performance-based or authentic assessment in addition to standardized achievement testing.

(c) Each school shall report the summative results of its assessment program to its respective Agency or Area, as appropriate, and its school board.

(d) Parents/guardians shall be informed of their children's assessment results and provided with an explanation and interpretation to ensure adequate understanding of the results.

(e) Each school shall establish an ongoing student academic assessment program to ensure that defined assessment procedures are in place. The program shall include regular training in basic assessment procedures and routines for all teachers and other staff involved in student assessment.

(f) Each Agency and Area, as appropriate, shall report the results of each school's formal spring tests to the Office of Indian Education Programs by August 1 of each year. Summative information from performance-based and authentic assessments shall be reported at the same time.

8. Section 36.61, *Waivers and revisions* is amended by revising aparagraph (a)(1) as follows:

§ 36.61 Waivers and revisions.

(a) * * *

Waivers and revisions shall be submitted by November 15 each school year to accompany the school's annual standards compliance report as required by § 36.60(b).

* * * * *

9. Subpart H—National Dormitory Criteria is amended by adding § 36.77 as follows:

§ 36.77 Waivers and revisions.

(a) The tribal governing body (tribe), or the local school board (LSB), if so designated by the tribe, shall have the local authority to waive or revise in part or in whole, the standard(s) established in this part if the standard(s) are determined to be inappropriate or if they fail to take into account specific needs of the tribe's children. This provision includes both tribal and Bureau-operated schools. When the tribe or LSB, if designated by the tribe, waives or revises a standard, it shall within 60 days submit the waiver or revision to the Assistant Secretary for approval. Until this approval is obtained, the standard of this part or minimum state standards shall apply to the affected school(s).

(b) All revised standards shall be submitted to the Assistant Secretary in writing in accordance with the following procedure: (1) Waivers and revisions shall be submitted by November 15 each school year to accompany the dormitory's annual standards compliance report.

(2) The section or part to be waived shall be specified, and the extent to which it is to be deviated from shall be described.

(3) A justification explaining why the alternative standard is determined necessary shall be included with the revised standard.

(4) Measurable objectives and the method of achieving the alternative standard along with the estimated cost of implementation shall be stated.

(c) The Assistant Secretary shall respond in writing within 45 days of receipt of the waiver or revision. The waiver shall be granted or the revision shall be accepted by the Assistant Secretary unless specifically rejected for good cause and in writing. The written rejection shall be sent to the affected tribe(s) and LSB. This rejection shall be final. The waiver is granted or revision is established automatically on the 46th day of receipt if no written response is provided by the Assistant Secretary.

(d) The Assistant Secretary shall assist the school board of an Indian-controlled contract school in the implementation of the standards established in this part if the school board requests that these standards, in part or in whole, be implemented. At the request of an Indian-controlled contract school board, the Assistant Secretary shall provide alternative or modified standards to those established in this part to take into account the needs of the Indian children and Indian-controlled contract school.

Dated: February 18, 1994

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 94–7244 Filed 3–30–94; 8:45 am]

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federal register

Thursday
March 31, 1994

Part IV

Department of State

Bureau of Consular Affairs

22 CFR Parts 40 and 42

Visas: Documentation of Immigrants Under the Immigration and Nationality Act and Registration for the Diversity Immigrant (DV–1) Visa Program; Final Rule and Notice

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Parts 40 and 42

[Public Notice 1973]

Visas: Documentation of Immigrants Under the Immigration and Nationality Act As Amended

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: This final rule promulgates regulations to implement sections 201(a)(3), 201(e), 203(c) and 204(a)(1)(G) of the Immigration and Nationality Act, as amended. These sections of law establish, effective for Fiscal Year 1995 and thereafter, an annual immigration limit of 55,000 for diversity immigrants, aliens who are natives of countries determined by specified mathematical computations based upon population totals and totals of specified immigrant admissions over a five-year period.

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully, III, Director, Office of Legislation, Regulations, and Advisory Assistance, Bureau of Consular Affairs, (202) 663–1184.

SUPPLEMENTARY INFORMATION:

Background

Public notice 1925 at 58 FR 68791, December 29, 1993, proposed amendments to 22 CFR part 42 to implement section 201(a)(3), 201(e), 203(c), 203(e)(2), and 204(a)(1)(G) of the Immigration and Nationality Act, as amended. These sections were added to the Act by Public Law 101–649, the Immigration Act of 1990, but with a delayed effective date. Taken together, they establish, effective for Fiscal Year 1995 and thereafter, an annual numerical limitation of 55,000 for diversity immigrants.

Aliens who are natives of countries determined by specified mathematical computations based upon population totals and totals of specified immigrant admissions will be able to compete for immigration under this limitation. Selection of immigrants under this limitation will be at random from among those who submit petitions for consideration during the application period established by the Department and who meet certain requirements as to education or occupational qualification.

The Public notice which accompanies this Final Rule includes (1) the dates of the application period for Fiscal Year 1995; (2) the exact mailing addresses to be used; (3) a detailed description of the application process; (4) a listing of the countries whose natives may compete for visas for Fiscal Year 1995, including the region in which each country is located for this purpose; and (5) the apportionment of the 55,000 overall limitation among the six regions specified by statute. The list of participating countries and the apportionment of the overall limitation among the various regions were prepared by the Immigration and Naturalization Service, as contemplated by section 203(c)(1).

Analysis of Comments

During the comment period the Department received five timely comments. A discussion of the comments, by topic, is set forth below.

Size of Mailing Envelopes

One commenter noted that the requirements concerning the size of the envelope in which applications for selection must be mailed do not comport with the size of standard business envelopes generally available in office supply and stationery stores in the United States. Upon inquiry, the Department has confirmed that the commenter is correct and is amending that portion of the regulations to provide that the envelope must be between 6 and 10 inches (15 cm to 25 cm) in length. The requirements as to width—3 and one-half to 4 and one-half inches (9 cm to 11 cm) remain unchanged.

Education Requirement

Two commenters found it unfair and unduly restrictive that the proposed definition of "high school education or its equivalent" excluded from consideration passage of the G.E.D. (General Educational Development) test. The proposed definition of this phrase was formulated specifically to require actual successful completion of a twelve year course of elementary and secondary education in the United States or successful completion of a comparable course of elementary and secondary study in a foreign country. After consideration of the comments, the Department has decided not to modify the proposed definition.

As was pointed out in the discussion of the proposed regulations, the Department believes that requiring successful completion of a formal course of study is consistent with Congressional intent in this respect because of the inclusion of two years experience in an occupation requiring two years experience or training as an alternative basis for qualification. The Department does not believe that the Congress intended to allow aliens who had neither completed elementary and secondary education nor had such work experience to qualify under this program.

Moreover, the G.E.D. is an American test. The Department does not know whether there are counterparts in other countries and, if so, in how many countries, nor do the commenters address this question. If it should turn out that few, if any, foreign countries have counterparts of the G.E.D., the only class of aliens who would be affected in any way by a failure to recognize passage of the G.E.D. as the equivalent of a high school education would be those in the United States who were not permanent residents, who had failed to complete high school, whose occupations did not meet the work experience requirement, but who had passed the G.E.D., almost certainly a statistically insignificant class when compared with the total number of potential applicants world-wide. For these reasons, and in light of the added administrative complications which might result, the Department does not believe that an amendment of the definition of "high school education or its equivalent" is warranted.

One commenter was concerned that the Department had failed to make provision for a student who is able to complete his or her elementary and secondary education in fewer than the normal twelve years. The Department finds this concern to be unfounded, even puzzling. It is true that occasionally a student may do so. It is also true that some students, for a variety of reasons, require thirteen or fourteen years to complete a twelve-year course of study. The proposed definition does not require that the course of study have been completed in twelve years; merely that it have been successfully completed. Thus, the genius who completes it more quickly, the student who completes it in the normal time period, and the student experiencing difficulties who requires more than the normal time to do so will all have met the requirement.

It had not occurred to the Department that the words employed in the proposed definition would be interpreted to mean that the twelve-year course of elementary and secondary study must have been completed in precisely twelve years, neither more nor less. Since, however, at least one reader of the proposed definition did so interpret them, the Department has decided to amend the definition to eliminate this interpretation by substituting for "completion of twelve

years of elementary and secondary education in the United States" the phrase "completion of a twelve-year course of elementary and secondary education in the United States."

The same commenter also suggested that the Department should allow for findings that the course content and quality of instruction in a particular foreign school system might make eight or nine years of schooling in that system the qualitative equivalent of twelve years of instruction in the United States school system. The Department categorically rejects the notion of introducing into this program value judgments of that kind. The Department does not believe that the Congress intended that such value judgments be made. In any event, the Department wishes to make it absolutely clear that under no circumstances will it entertain any such claims.

Two commenters voiced concern over the question of what documentation will constitute evidence of successful completion of the required course of study. A primary document would obviously be a certificate of completion—in the United States, a high school diploma. School transcripts would serve the same purpose. In general, any documentation on this point will be acceptable provided that it was issued by the person or organization responsible for maintaining such records and describes with specificity the course of study completed.

One commenter asked for confirmation that the "Junior Certificate" issued by the school system in the Republic of Ireland will constitute evidence of completion of a foreign course of study comparable to twelve years of elementary and secondary education in the United States. Information available to the Department indicates that the Junior Certificate is issued to those who have completed only eleven years of the normal twelve year course of elementary and secondary education in the Republic of Ireland. In light of this information, the Department cannot accept the representation that the Junior Certificate meets the requirements set forth in the regulations.

Work Experience

Two commenters addressed the work experience requirement. One commenter felt that the requirement that the experience have been gained during the five-year period immediately preceding application for a visa was unduly restrictive. Whether or not that is so, the requirement is a statutory one and not one which the Department is entitled to modify or eliminate by regulation.

The other commenter objected to the Department's proposal to rely upon the Department of Labor's Dictionary of Occupational Titles (DOT) in determining which occupations meet the statutory requirement that the occupation be one requiring "at least two years training or experience." The commenter urged that an applicant be allowed to present evidence in support of the proposition that his or her occupation is such an occupation. The Department rejects this suggestion.

This requirement is clearly modelled upon the distinction provided in section 203(b)(3) of the Act between "skilled workers" and "other workers." In implementing that distinction, the Immigration and Naturalization Service relies upon determinations made with reference to the DOT. The Department can find no basis for adopting a different standard here.

The Department does recognize that there could be occupations of such recent vintage (because of technological change) that they are not listed in the most recent edition of the DOT. In such a case, but only in such a case, the Department will consider documentation submitted by the applicant on the question.

Submission of Supporting Documents

Two commenters suggested that all aliens competing for selection be required to submit documentation of their education or work experience with the application for selection. One of the two asserted that such a requirement would deter frivolous applications; the other did not recite a reason for the suggestion.

As was pointed out in the discussion of the proposed regulations, the Department considered this option as one possible way to implement the education/work experience requirement. It is possible that some frivolous applications would thereby be deterred, although the Department is less sanguine on that point than is the commenter. Nonetheless, the administrative considerations which led to the earlier rejection of that alternative are so strong that the Department feels it necessary to again reject the suggestion.

Definition of "Native"

One commenter again requested that the definition of "native" be amended to allow for considering citizens of a country as "natives" of that country. This issue has previously been raised and discussed in connection with the promulgation of regulations implementing the earlier time-limited programs to which this program is similar. As it has on the earlier occasions, the Department rejects the suggestion, since it is inconsistent with the intent of the Congress in this respect and would, in any event, substantially complicate the administration of the numerical limitations and become an inducement to fraud. Because of the persistence of this issue, the Department believes it appropriate to discuss it in some detail.

Numerical limitations on immigration to the United States were first imposed by the First Quota Act, the Act of May 19, 1921. That Act specified that "quota nationality" was to be determined by country of birth. The Immigration Act of 1924 continued that basic rule, while allowing for according a parent's quota nationality to an accompanying child or a husband's quota nationality to an accompanying wife.

The same rule was carried forward into the Immigration and Nationality Act of 1952, except that the phrase "quota nationality" was replaced by "quota chargeability.". The two earlier exceptions were modernized to remove discrimination because of sex—the benefit which had flowed only to a wife from a husband was expanded to flow to either spouse from the other—and a third was added to allow an alien born in a quota area in which neither parent was born or had a residence to be charged against the quota of either parent. These rules were carried forward into the current numerical limitation system in the basic reform of the numerical limitations in 1965, except that the phrase "quota chargeability" was replaced by "foreign state chargeability."

Thus, it is clear that the Congress has always intended that quota nationality, quota chargeability, foreign state chargeability be determined by place of birth with exceptions only as specifically defined by law. The word "native" made its appearance in 1965 and in the context clearly means "chargeable to" a foreign state according to the rules, as described.

Until the establishment of the NP–5 program in 1986, foreign state chargeability was not tied to qualification to compete for immigration, but rather to possible variations in the length of time a qualified immigrant would have to wait for his or her turn to be reached under the applicable numerical limitation. Under the NP–5, OP–1, AA–1, and now the forthcoming DV–1 programs, however, entitlement to compete for consideration itself is based upon foreign state chargeability. Only natives

of specified foreign states have been entitled even to compete for consideration. It is this fact that heightened interest in the definition of "native" and which motivated the Department, first, to discuss the subject in the commentary accompanying its implementing regulations and, then, to incorporate a definition of the word into the regulations implementing the AA–1 program. Now that the AA–1 program is drawing to a close and since the implementing regulations will be revoked after the program ends, the Department concluded that the definition should be incorporated into the basic immigrant visa regulations in part 42.

Because of the long history set forth briefly above, the Department believes that it lacks the authority to define "native" otherwise than it has done. In addition, the Department believes that to define "native" as based upon citizenship would substantially complicate the administration of the numerical limitations on immigration and could even be an inducement to fraudulent activity. An individual may have or acquire several citizenships during a lifetime and can also lose citizenships previously acquired, but can have only one place of birth. An attempt to keep track of changes in citizenship in the numerical limitation system would complicate the system. Moreover, allowing citizenship to become the basis for foreign state chargeability could motivate schemes to grant or obtain citizenship for the sole purpose of gaining benefits under the immigration law. The Department has already noted a number of cases in which countries seeking foreign investment have, in effect, sold citizenship to foreign investors as an inducement to invest. Interestingly enough, in several of these situations there are documented cases of aliens using such schemes for the primary purpose of obtaining the citizenship as part of a scheme to procure entry into the United States fraudulently.

In summary, the Department believes (1) that defining "native" as proposed herein is most consistent with the intent of the law as it now stands; and (2) that introducing citizenship into the definition or otherwise making it a basis for determining foreign state chargeability would have adverse consequences for the orderly and effective administration of the immigration laws. In this connection, the Department has decided to modify 22 CFR 33(b) to add to the items of information to be included on the petition the country of which the alien claims to be a native, if other than the country of birth.

Confidentiality of Applications

One commenter repeated a request that has been made in connection with the NP–5, OP–1, and AA–1 programs—that the Department guarantee that no information from application forms will be given to anyone outside the Department of State, including the Immigration and Naturalization Service. The Department has previously taken the position that applications for such programs constitute records relating to the issuance and refusal of visas within the meaning of section 222(f) of the Immigration and Nationality Act. Information from such applications will not, therefore, be made available except as authorized therein. This generally means that such information will not be made public except in connection with court proceedings.

On the other hand, section 222(f) authorizes the use of such information for the formulation, amendment, administration, and enforcement of the immigration and other laws of the United States. Accordingly, should the Immigration and Naturalization Service desire such information for such purposes, the Department would ordinarily furnish it.

Marking of Envelopes

One commenter expressed the view that an applicant should not be disqualified for failure to list on the mailing envelope the country of which he or she is a native. In past programs of this kind, the Department has not been punctilious about disqualifying applications which did not have this information on the mailing envelope. The public should understand, however, that in the DV–1 program the Department will disqualify all such applications.

The entire system for processing applications depends upon the presence of this information, since envelopes received during the mail-in period must be sorted into batches according to region and assigned sequential numbers by region. Without the country of which the applicant is a native on the mailing envelope the sorting and numbering process would become unbearably burdensome. Thus, envelopes which do not bear this item of information cannot, and will not, be processed for consideration under the program.

Other Matters

One commenter urged that applications be accepted by FAX during the application periods. The Department declines to consider such a procedure and will require that all applications be mailed as specified.

One commenter noted that there appears to be no special provisions for waiving normally applicable grounds of exclusion for DV–1 applicants, as there were under the NP–5 extension and AA–1 programs. In addition, the Department has received a number of telephone inquiries on this subject. It is important to understand that there are, indeed, no such provisions. Specifically, applicants under the NP–5 program extension and under the AA–1 program were not subject to section 212(e) of the Act (the two-year foreign residence requirement applicable to some nonimmigrant exchange visitors) and could receive waivers of ineligibility under section 212(a)(6)(C) unless the Attorney General found it in the national interest to deny a waiver in an individual case. Neither of these provisions applies to DV–1 applicants who will have to meet all normally applicable rules for qualification to receive an immigrant visa.

This final rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This regulation is exempt from review under Executive Order 12866, but was reviewed in the proposed rule stage by OMB under Executive Order 12866 and has been reviewed internally by the Department to ensure consistency with the objectives thereof.

List of Subjects in 22 CFR Parts 40 and 42

Aliens, Definitions, Documentation, Immigrants, Numerical limitations, Registration, Visas.

Accordingly, 22 CFR parts 40 and 42 are amended to read as follows:

PART 40—[AMENDED]

1. The authority citation for part 40 continues to read as follows:

Authority: Sec. 104, 66 Stat. 174, 8 U.S.C. 1104; Sec. 109(b)(1), Sec. 131 of Public Law 101–649, 104 Stat. 4997.

2. Section 40.1 is amended by redesignating paragraphs (l) through (r) as paragraphs (m) through (s), respectively, and by adding a new paragraph (l) to read as follows:

§ 40.1 Definitions.

* * * * *

(l) *Native* shall mean born within the territory of a foreign state, or entitled to be charged for immigration purposes to

that foreign state pursuant to section 202(b) of the Immigration and Nationality Act, as amended.

PART 42—[AMENDED]

3. The authority citation for part 42 is revised to read as follows:

Authority: Sec. 104, 66 Stat. 174, 8 U.S.C. 1104; Sec. 109(b)(1); 91 Stat. 847; Sec. 131, 104 Stat. 4997. 8 U.S.C. 1153 note.

Section 42.33 is added to read as follows:

§ 42.33 Diversity immigrants.

(a) *General.* (1) Eligibility to compete for consideration under section 203(c). An alien shall be eligible to compete for consideration for visa issuance under INA 203(c) during a fiscal year only if he or she is a native of a low-admission foreign state, as determined by the Attorney General pursuant to INA 203(c)(1)(E)(i), with respect to the fiscal year in question; and if he or she has at least a high school education or its equivalent or, within the five years preceding the date of application for a visa, has two years of work experience in an occupation requiring at least two years training or experience.

(2) *Definition of high school education or its equivalent.* For the purposes of this section, the phrase *high school education or its equivalent* shall mean successful completion of a twelve-year course of elementary and secondary education in the United States or successful completion in another country of a formal course of elementary and secondary education comparable to completion of twelve years' elementary and secondary education in the United States.

(3) *Determinations of work experience.* The most recent edition of the Dictionary of Occupational Titles published by the Employment and Training Administration, United States Department of Labor, shall be controlling in determining whether a particular occupation is one "which requires at least 2 years of training or experience" as provided in INA 203(c)(2).

(4) *Limitation on number of petitions per year.* No more than one petition may be submitted by, or on behalf of, any alien for consideration during any single fiscal year. If two or more petitions for any single fiscal year are submitted by, or on behalf of, any alien, all such petitions shall be void and the alien by or for whom submitted shall not be eligible for consideration for visa issuance during the fiscal year in question.

(5) *Northern Ireland.* For purposes of determining eligibility to file a petition for consideration under INA 203(c) for a fiscal year, the districts comprising that portion of the United Kingdom of Great Britain and Northern Ireland, known as "Northern Ireland", shall be treated as a separate foreign state. The districts comprising "Northern Ireland" are Antrim, Ards, Armagh, Ballymena, Ballymoney, Banbridge, Belfast, Carrickfergus, Castlereagh, Coleraine, Cookstown, Craigavon, Down, Dungannon, Fermanagh, Larne, Limavady, Lisburn, Londonderry, Magherafelt, Moyle, Newry and Mourne, Newtownabbey, North Down, Omagh, and Strabane.

(b) *Petition for consideration*—(1) *Form of Petition.* An alien claiming to be entitled to compete for consideration under INA 203(c) shall file a petition for such consideration. The petition shall consist of a sheet of paper on which shall be typed or legibly printed in the Roman alphabet the petitioner's name; date and place of birth (including city and county, province or other political subdivision, and country); the country of which the alien claims to be a native, if other than the country of birth; name[s] and date[s] and place[s] of birth of spouse and child[ren], if any; a current mailing address and location of consular office nearest to current residence or, if in the United States, nearest to last foreign residence prior to entry into the U.S.

(2) *Submission of petition*—(i) *General.* A petition for consideration for visa issuance under INA 203(c) shall be submitted by mail to the address designated by the Department for that purpose. The Department shall establish a period of not less than thirty days during each fiscal year during which petitions for consideration during the next following fiscal year may be submitted. Each fiscal year, the Department shall give timely notice of both the mailing address and the exact dates of the application period, through publication in the **Federal Register** and such other methods as will ensure the widest possible dissemination of the information, both abroad and within the United States.

(ii) *Form of mailing.* Petitions for consideration under this section shall be submitted by normal surface or air mail only. Petitions submitted by hand, telegram, FAX, or by any means requiring any form of special handling or acknowledgement of receipt will not be given consideration. The petitioner shall type or print legibly, using the Roman alphabet, on the upper left-hand corner of the envelope in which the petition is mailed his or her full name and mailing address, and the name of the country of which the petitioner is a native, as shown on the petition itself. Envelopes shall be between 6 and 10 inches (15 cm to 25 cm) in length and between 3 and one-half and 4 and one-half inches (9 cm to 11 cm) in width. Envelopes not bearing this information and/or not conforming to the restrictions as to size shall not be processed for consideration.

(c) *Processing of petitions.* Envelopes received at the mailing address during the application period established for the fiscal year in question and meeting the requirements of subsection (b) shall be assigned a number in a separate numerical sequence established for each regional area specified in INA 203(c)(1)(F). Upon completion of the numbering of all envelopes, all numbers assigned for each region shall be separately rank-ordered at random by a computer using standard computer software for this purpose. The Department shall then select in the rank orders determined by the computer program a quantity of envelopes for each region estimated to be sufficient to ensure, to the extent possible, usage of all immigrant visas authorized under INA 203(c) for the fiscal year in question.

(d) *Approval of petitions.* Envelopes selected pursuant to paragraph (c) of this section shall be opened and reviewed. Petitions which are legible and contain the information specified in paragraph (b) of this section shall be approved for further consideration.

(e) *Validity of approved petitions.* A petition approved pursuant to paragraph (d) of this section shall be valid for a period not to exceed Midnight of the last day of the fiscal year for which the petition was submitted.

(f) *Order of consideration.* Further consideration for visa issuance of aliens whose petitions have been approved pursuant to paragraph (d) of this section shall be in the regional rank orders established pursuant to paragraph (c) of this section.

(g) *Further processing.* The Department shall inform applicants whose petitions have been approved pursuant to paragraph (d) of this section of the steps necessary to meet the requirements of INA 222(b) in order to apply formally for an immigrant visa.

(h) *Maintenance of information concerning petitioners who are visa recipients.* (1) The Department shall compile and maintain the following information concerning petitioners to whom immigrant visas are issued under INA 203(c):

(i) age;
(ii) country of birth;
(iii) marital status;
(iv) sex;

(v) level of education; and

(vi) occupation and level of occupational qualification.

(2) Names of visa recipients shall not be maintained in connection with this information and the information shall be compiled and maintained in such form that the identity of visa recipients cannot be determined therefrom.

4. Section 42.51(b) is revised to read as follows:

§ 42.51 Department control of numerical limitations.

* * * * *

(b) *Allocation of numbers.* Within the foregoing limitations, the Department shall allocate immigrant visa numbers for use in connection with the issuance of immigrant visas and adjustments based on the chronological order of the priority dates of visa applicants classified under INA 203 (a) and (b) reported by consular officers pursuant to § 42.55(b) and of applicants for adjustment of status as reported by officers of the INS, taking into account the requirements of INA 202(e) in such allocations. In the case of applicants under INA 203(c), visa numbers shall be allocated within the limitation for each specified geographical region in the random order determined in accordance with sec. 42.33(c) of this Part.

* * * * *

5. Section 42.54(a)(2) is revised to read as follows:

§ 42.54 Order of consideration.

(a) * * *

(2) Beginning with fiscal year 1995, in the random order established by the Secretary of State for each region for the fiscal year for applicants entitled to status under INA 203(c).

* * * * *

Dated: March 25, 1994.

David L. Hobbs,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 94–7579 Filed 3–30–94; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

Bureau of Consular Affairs

[Public Notice 1974]

Registration for the Diversity Immigrant (DV–1) Visa Program

ACTION: Notice of registration for the first year of the Diversity Immigrant Visa Program.

This public notice provides information on the application procedures for the 55,000 immigrant visas to be made available in the DV–1 category during Fiscal Year 1995. This notice is issued pursuant to 22 CFR 42.33 which implements sections 201(a)(3), 201(e), 203(c) and 204(a)(1)(G) of the Immigration and Nationality Act, as amended, (8 U.S.C. 1151, 1153, and 1154). Final regulations related to this notice are being published simultaneously with this notice elsewhere in this issue of the **Federal Register.**

Information on the Application Procedures for the 55,000 Immigrant Visas To Be Made Available in the DV–1 Category During Fiscal Year 1995

Sections 201(a)(3), 201(e), 203(c) and 204(a)(1)(G) of the Immigration and Nationality Act, as amended, taken together establish, effective for Fiscal Year 1995 and thereafter, an annual numerical limitation of 55,000 for diversity immigrants. Aliens who are natives of countries determined by the Attorney General according to a mathematical formula specified by the law will be able to compete for immigration under this limitation. This program is identified by the visa symbol DV–1 and is informally known as the "visa lottery." The law specifies that there must be a separate registration for each year's DV–1 visas. This information concerns the application period during 1994 for visas to be issued during fiscal year 1995.

Qualifying Countries and Areas Under the DV–1 Program

The law apportions immigrant visa issuance among six geographic regions (Africa, Asia, Europe, North America—other than Mexico, Oceania, and South America including Mexico, Central America, and the Caribbean) according to a formula based on total immigrant admissions over the most recent five-year period. The formula identifies both high and low admission regions and high admission foreign states. A greater share of the available visa numbers go to low admission regions than to high admission regions. High admission states are excluded entirely from the program. No single country may receive more than 7 percent (3,850) of the world-wide total of visa numbers.

The U.S. Attorney General determines and publishes separately the countries whose natives (as that term is explained in question 1) are entitled to apply for DV–1 visas during Fiscal Year 1995. According to the law, countries are grouped by region (see list at the end of this notice). The allotment of visa numbers for each region is shown in parenthesis below:

Africa: (20,200)—All countries.

Asia: (6,837)—All countries except the following: China—mainland born and Taiwan born, India, Philippines, Vietnam, and South Korea. (Hong Kong is eligible).

Europe: (24,549)—All countries except the following: United Kingdom and its dependent territories. (Northern Ireland is eligible).

North America: (8)—Canada is not eligible. The Bahamas is the ONLY eligible country included in the North American region.

South America: (2,589)—All countries except Mexico, Jamaica, El Salvador and the Dominican Republic.

Oceania: (817)—All Countries.

How and When To Apply for DV–1 Status

The application period for registration for the visas to be issued during Fiscal Year 1995 (i.e. from October 1994 through September 1995) will begin at 12:01 a.m. (Eastern Time) on Wednesday, June 1, 1994, and will end at midnight on Thursday, June 30, 1994. Applications must be typed or clearly printed and mailed to one of the six following addresses, depending upon the region of the applicant's native country:

Note Carefully the Importance of Using the Correct Postal Zip Code for Each Region

Asia: DV–1 Program, National Visa Center, Portsmouth, NH 00210, U.S.A.

South America: DV–1 Program, National Visa Center, Portsmouth, NH 00211, U.S.A.

Europe: DV–1 Program, National Visa Center, Portsmouth, NH 00212, U.S.A.

Africa: DV–1 Program, National Visa Center, Portsmouth, NH 00213, U.S.A.

Oceania: DV–1 Program, National Visa Center, Portsmouth, NH 00214, U.S.A.

North America: DV–1 Program, National Visa Center, Portsmouth, NH 00215, U.S.A.

Typed or clearly printed in the Roman alphabet in the upper left hand corner of the front of the envelope must be the country or area of which the applicant is a native. Typed or clearly printed below the country must be the same name and mailing address of the applicant as are shown on the application form contained therein. Failure to include this information will disqualify the application.

Example: Pakistan, George Q. Public, 1234 Any Street, Apt. 5, Center City, CA 90001.

Only one application may be submitted by or for each applicant during this registration period. (Submission of more than one application will disqualify the person from registration.) Applications for registration will be grouped by region and will be selected strictly in a random order from among all those received during the application period. Every application received will have an equal chance of being selected.

Applications must be sent to the addresses above by regular mail or air mail only, and may be mailed from within the United States or abroad. The information required on the envelope must be typed or clearly printed. Any applications submitted by hand, telegram, FAX, or by any means requiring any form of special handling or acknowledgement of receipt, such as registered mail, express mail, or certified mail will not be eligible for the visa lottery.

Applications received at the post office either before or after the application period, or delivered to any other address will not be processed for registration. Only one application may be included in each envelope.

Size of Envelope

The envelope in which each application is mailed must be Between 6 inches and 10 inches (15 cm to 25 cm) in Length, and Between 3 inches and 4 inches (9 cm to 11 cm) in Width. This is necessary to assist the automated processing of the mail.

Information Which Must Be Included With Application for Registration

There is no application fee or special application form. The request for registration in the lottery must furnish the following information on a plain sheet of paper. All answers must be typed or clearly printed in the Roman alphabet.

Each application must be in the following format:

1. *Applicant's full name*

Last Name, First Name and Middle Name

(Underline Last Name/Surname/Family name)

Example: Public, George Quincy.

2. *Applicant's date and place of birth*

Date of birth: Day, Month, Year.

Example: 15 November 1961.

Place of birth: City/Town, District/County/Province, Country.

Example: Munich, Bavaria, Germany.

3. *Name, date and place of birth of applicant's spouse and children, if any*

The spouse and child(ren) of an applicant who is registered for DV–1 status are automatically entitled to the same status. To obtain a visa on the basis of this derivative status, a child must be under 21 years of age and unmarried. NOTE: Do NOT list parents as they are not entitled to derivative status.

4. *Applicant's mailing address*

The mailing address must be clear and complete, since it will be to that address that the notification letter for the persons who are registered will be sent. A telephone number is optional.

5. *Applicant's native country if different from country of birth*

See the answer to Question 1 in this notice regarding the meaning of "native" for the purposes of the DV–1 program.

Frequently Asked Questions About DV–1 Registration

1. *How is the term "native" defined? Are there any bases upon which persons who have not been born in a qualifying country may qualify for registration?*

Native means BOTH someone born within one of the qualifying countries AND someone entitled to be "charged" to such country under the provisions of section 202(b) of the Immigration and Nationality Act. Applicants for DV–1 registration may be charged to the country of birth of a spouse; a minor dependent child can be charged to the country of birth of a parent; and an applicant born in a country of which neither parent was a native or a resident at the time of his/her birth may be charged to the country of birth of either parent. An applicant who claims the benefit of alternate chargeability must include a statement to that effect on the application for registration, and must show the country of chargeability on the upper left hand corner of the envelope in which the registration request is mailed.

2. *May persons who are in the U.S. apply for registration?*

Yes, an applicant may be in the U.S. or in another country, and the application may be mailed in the U.S. or abroad.

3. *Is each applicant limited to only one application during this DV–1 registration period?*

Yes, the law allows only one application by or for each person; Submission of more than one application will disqualify the person from registration. Note: More than 400,000 applications were DISQUALIFIED during the 1993 and 1994 visa lotteries due to multiple applications. Applicants may be disqualified at time of registration or at the time of the visa interview if more than one entry is detected.

4. *May a husband and a wife each submit a separate application?*

Yes, if otherwise qualified, a husband and a wife may each submit one application for registration; if either is registered, the other would be entitled to derivative status.

5. *Must each applicant submit his/her own request, or may someone act on behalf of an applicant?*

Applicants may prepare and submit their own request for registration, or have someone act on their behalf. Regardless of whether an application is submitted by the applicant directly, or is assisted by an attorney, friend, relative, etc., only one application may be submitted in the name of each person. Only one notification letter will be sent for each case registered, to the address provided on the application.

6. *What are the requirements for education or work experience?*

The law and regulations require that every applicant must have at least a high school education or its equivalent or, within the past five years, have two years of work experience in an occupation requiring at least two years training or experience. A "high school education or equivalent" is defined as successful completion of a twelve-year course of elementary and secondary education comparable to that of a high school degree in the United States. Qualifying work experience shall be based upon the most recent edition of the Dictionary of Occupational Titles published by the Employment and Training Administration of the United States Department of Labor.

Documentary proof of education or work experience should NOT be submitted with the application, but must be presented to the consular officer at the time of formal immigrant visa application.

7. *How will cases be registered?*

At the National Visa Center all mail received will be separated into one of six geographic regions and individually numbered. After the end of the application period, a computer will randomly select cases from among all the mail received for each geographic region. Within each region, the first letter randomly selected will be the first case registered, the second letter selected the second registration, etc. It makes no difference whether an application is received early or late in the application period; all applications received within the mail-in period will have an equal chance of being selected within each region. When a case has been registered, the applicant will immediately be sent a notification letter, which will provide appropriate visa application instructions. The National Visa Center will continue to process the case until those who are registered are instructed to make formal application at a U.S. consular office or at an INS office in the United States in the case of those who are entitled to apply for change of status. The National Visa Center will provide additional instructions on what steps to take to pursue their applications for DV–1 visas.

8. *May applicants adjust their status with the ins?*

Yes, provided you are otherwise eligible to adjust status, if you are physically present in the United States you may apply to the Immigration and Naturalization Service (INS) for adjustment. Applicants who adjust, however, must first mail completed forms OF–230, Part I, and DSP–122 to the National Visa Center. Applicants should ensure that INS can complete action on their cases before September 30, 1995, since on that date registrations in the Fiscal Year 1995 DV–1 program terminate.

9. *Will applicants who are not registered be informed?*

No, applicants who are not registered will receive no response to their registration request. Only those who are registered will be informed. All notification letters are expected to be sent within about three months of the end of the application period. Anyone who does NOT receive a letter will know that his/her application has not been registered.

10. *How many applicants will be registered?*

A total of about 90,000 persons, both principal applicants and their spouses and children, will be registered. Since it is likely that some of the first 55,000 persons who are registered will not pursue their cases to visa issuance, this larger figure should ensure use of all DV–1 numbers, but it also risks some registrants' being left out. All applicants who are registered will be informed promptly of their place on the list. Each month visas will be issued, according to registration lottery rank order, to those

applicants who are ready for visa issuance during that month. Once all of the fiscal year 1995 visas have been issued, the program for the year will end. Registered applicants who wish to receive visas must be prepared to ACT PROMPTLY on their cases.

11. *Is there a minimum age for applicants for registration under the DV–1 program?*

There is no minimum age for submission of an application for registration, but the requirement of a high school education or work experience for each principal applicant at the time of visa issuance will effectively disqualify most persons who are under age 18.

12. *Will there be any special fee for registration in the DV–1 category?*

There is no fee for submitting a request for registration, and no fee should be included with the letter sent to the post office box indicated above. Furthermore, there is no fee for applicants who come to be registered through the lottery.

13. *Are DV–1 applicants specially entitled to apply for a waiver of any of the grounds of visa ineligibility?*

No. Applicants are subject to all grounds of ineligibility specified in the Immigration and Nationality Act and there is no special provision for the waiver of any grounds of visa ineligibility other than those provided for in the Act.

14. *May applicants who are already registered for an immigrant visa in another category apply in this registration for the DV–1 category?*

Yes, such persons may seek DV–1 status through this registration as well.

15. *How long do applicants who are registered on the basis of this application period remain entitled to apply for visas in the DV–1 category?*

Under the law, persons registered following this DV–1 application period are entitled to apply for visa issuance only during fiscal year 1995, i.e., from October 1994 through September 1995. There is no carry-over of benefit into another year for persons who are registered but who do not obtain visas during FY–1995. There is absolutely no advantage to mailing early, or mailing from any particular locale. Every application received during the mail-in period will have an equal chance of being selected at random within its region. However more than one application per person will disqualify the person from registration. Also, failure to include the applicant's native country and full name and address on the envelope will disqualify the application.

Countries of the world divided into the six regions defined in section 203(c)(1)(F) of the Immigration and Nationality Act of 1990

(1) *Africa*
Algeria
Angola
Benin
Botswana
Burkina
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Comoros
Congo
Cote d'Ivoire (Ivory Coast)
Djibouti
Egypt
Equatorial Guinea
Eritrea
Ethiopia
Gabon
Gambia, The
Ghana
Guinea
Guinea-Bissau
Kenya
Lesotho
Liberia
Libya
Madagascar
Malawi
Mali
Mauritania
Mauritius
Morocco
Mozambique
Namibia
Niger
Nigeria
Rwanda
Sao Tome and Principe
Senegal
Seychelles
Sierra Leone
Somalia
South Africa
Sudan
Swaziland
Tanzania
Togo
Tunisia
Uganda
Zaire
Zambia
Zimbabwe

(2) *Asia*
Afghanistan
Bahrain
Bangladesh
Bhutan
Brunei
Burma
Cambodia
China-mainland
China-Taiwan (a "state" within the meaning of the Act)
Hong Kong (a "state" within the meaning of the Act)
India
Indonesia
Iran
Iraq
Israel
Japan
Jordan
Korea, North
Korea, South
Kuwait
Laos
Lebanon
Malaysia
Maldives
Mongolia
Nepal
Oman
Pakistan
Philippines
Qatar
Saudi Arabia
Singapore
Sri Lanka
Syria
Thailand
United Arab Emirates
Vietnam
Yemen

(3) *Europe*
Albania
Andorra
Armenia
Austria
Azerbaijan
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Italy
Kazakhstan
Kyrgyzstan
Latvia
Liechtenstein
Lithuania
Luxembourg
Macedonia, The Former Yugoslav Republic of
Malta
Moldova
Monaco
Montenegro (a "state" for purposes of the Act; Serbia and Montenegro have proclaimed the formation of a

joint independent state, but this entity has not been formally recognized as a state by the United States.)
Netherlands
Northern Ireland (a "state" within the meaning of the Act)
Norway
Poland
Portugal
Romania
Russia
San Marino
Serbia (a "state" for purposes of the Act; Serbia and Montenegro have proclaimed the formation of a joint independent state, but this entity has not been formally recognized as a state by the United States.)
Slovakia
Slovenia
Spain
Sweden
Switzerland
Tajikistan
Turkmenistan
Turkey
Ukraine
United Kingdom
Uzbekistan
Vatican City (an independent city under the jurisdiction of the Holy See)

(4) *North America*
Bahamas, The
Canada
United States
(5) *Oceania*
Australia
Fiji
Kiribati
Marshall Islands
Micronesia, Federated States of
Nauru
New Zealand
Palau
Papua New Guinea
Solomon Islands
Tonga
Tuvalu
Vanuatu
Western Samoa
(6) *South America, Mexico, Central America, and the Caribbean*
Antigua and Barbuda
Argentina
Barbados
Belize
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Ecuador
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
St. Kitts and Nevis
St. Lucia
St. Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay
Venezuela

As indicated above, the regulations pertaining to this notice are being published in this issue of the **Federal Register**, and contain detailed information regarding the DV–1 program.

Dated: March 25, 1994.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 94–7578 Filed 3–30–94; 8:45 am]
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federal register

Thursday
March 31, 1994

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121, 129, and 135
Traffic Alert and Collision Avoidance System, TCAS I; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 129, and 135

[Docket No. 27663; Notice No. 94–6]

RIN 2120–AF24

Traffic Alert and Collision Avoidance System, TCAS I

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking to amend effective date.

SUMMARY: This proposal would revise the Federal Aviation Regulations (FAR) to extend the compliance date from February 9, 1995, to March 31, 1997, for installing an approved traffic alert and collision avoidance system (TCAS I). This amendment is necessary due to technical problems that have resulted in delays in the equipment approval and manufacturing process. By extending the compliance date, the FAA would have time to resolve the technical issues and finalize a technical standards order (TSO) for the TCAS I equipment. This action would lessen the economic impact of the current rule and delay the implementation of TCAS I for certain air carriers.

DATES: Comments must be received by May 2, 1994.

ADDRESSES: Comments on this amendment may be mailed in triplicate or delivered to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 27663, 800 Independence Avenue, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Gary E. Davis, Project Development Branch, AFS–240, Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267–8096.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposal contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comment, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 27663." The postcard will be date stamped and mailed to the commenter.

Availability of NPRMs

Any persons may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRMs should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

In a petition for exemption dated October 12, 1992, the Regional Airline Association (RAA) petitioned on behalf of its affected member airlines and other similarly situated airlines for a temporary exemption from the February 9, 1995, deadline to install an approved TCAS I system (Docket No. 27008). The exemption was requested for operators of turbine-powered airplanes with 10 to 30 passenger seats. The FAA denied the petition on May 27, 1993. The FAA stated in its denial that the general relief requested by the RAA would more appropriately be handled by rulemaking rather than exemption. This action is the subsequent rulemaking response to the RAA petition for exemption that the FAA denied. The RAA's petition also sought a temporary exemption from the April 20, 1994, deadline to install an approved Ground Proximity Warning System (GPWS), which the FAA has also denied and is not an issue in this rulemaking.

The RAA states that extension of the compliance date is needed because of delays in the development and operational testing of prototype TCAS I equipment. The RAA states that when Amendment No. 135–30 established the TCAS I requirements on January 6, 1989, the FAA acknowledged that no TCAS I design had been approved, and no manufacturer had built a TCAS I unit. The FAA considered these points in establishing a compliance date for installation and operation of TCAS I six years from the effective date of the amendment.

RAA states that it was informed early in 1990 by ARINC Research Corporation (ARINC), the FAA's TCAS I program contractor, that equipment would be available for a Limited Installation Program (LIP) testing by April 1991, and that it would be completed in approximately one year. RAA states that ARINC has recently advised it that the development program for prototype TCAS I equipment is still not complete, and that the LIP for the operational evaluation is not expected to begin for at least several months.

RAA states that because of this the TCAS I development and operational evaluation program is more than 18 months behind its original planned schedule, no TCAS I equipment has yet received a technical standards order (TSO) approval, and to the RAA's knowledge only one manufacturer is currently accepting orders for TCAS I deliveries. Air carriers are naturally reluctant to place orders for this equipment before a TSO is issued and before the LIP has confirmed the validity of the equipment design.

RAA asserts that an extension of time is required to permit the evaluation and procurement of TCAS I equipment, to develop and obtain approval of supplemental type certificates (STC) for each affected airplane model, and to schedule equipment installations with minimum disruptions to scheduled service.

RAA points out that simultaneously with the adoption of Amendment No. 135–30, Amendment No. 121–201 was also adopted which required development and installation of TCAS II on airplanes operating under part 121. This amendment required that all affected airplanes be equipped with TCAS II by December 30, 1991. After receiving numerous objections from operators and other sources, the FAA reconsidered this requirement and revised the installation dates; Amendment No. 121–217 established a phased installation schedule and

delayed the full compliance TCAS II installation date to December 30, 1993.

RAA submits that the arguments that supported the extension of time for TCAS II support a similar extension and phased installation schedule for TCAS I installations. Based on current projections that the TCAS I LIP will not be completed until at least late 1994 and the lack of any approved equipment today, the RAA expects that operators will not be able to complete equipment selections and installations on all airplanes by February 9, 1995.

RAA's petition for exemption also states that FAA should rejustify the need for a TCAS I rule. Its rationale is that the rule has a significantly higher-than-estimated cost to the airline industry. RAA and its member carriers continue to support realistic and achievable improvements in safety where the benefits clearly justify the costs. It believes that the cost of safety-related equipment must be compared to the potential benefits and the capability of the industry to afford it; the FAA should also consider alternative approaches.

Aircraft seating 10 to 30 passengers and operating under part 121, 129, or 135 must be equipped with TCAS I by February 9, 1994, in accordance with the regulation issued January 5, 1989 (54 FR 940). RAA believes that the FAA should consider implementing a phased compliance schedule as was done for part 121 carriers that were required to install TCAS II (14 CFR 121.356), rather than adhere to the deadlines in affected regulations. The FAA in this rulemaking is soliciting comment on whether a compliance schedule for the retrofit of TCAS I should be adopted. The following is a proposed compliance schedule similar to that requested by RAA in its petition for exemption:

1. 50 percent of all covered airplanes equipped by March 31, 1996, and
2. 100 percent of all covered airplanes equipped by March 31, 1997.

The FAA requests comments regarding the appropriateness of the proposed compliance schedule. In response to those comments, this schedule may be shortened or extended in the final rule.

The air carriers represented by RAA believe that extending the compliance schedule for TCAS I would not adversely affect safety because it would allow affected airlines to devote limited economic resources to the orderly completion of TCAS I installations, along with other airworthiness and safety-related requirements. They believe the general public will benefit by allowing for a more efficient allocation of an operator's resources, and by reducing the number of disruptions of scheduled service due to excessive unscheduled removal of aircraft from service for equipment installation, or cessation of scheduled service altogether by some airlines due to the inability to pay for TCAS I installations.

In addition, RAA believes that there will be significantly higher-than-estimated costs of installed TCAS I systems once they become available. RAA states that estimates received by its member airlines and one equipment manufacturer for TCAS I are as high as $80,000 per airplane, which is far above the FAA's estimate of $12,300 per airplane when the rule was published. The RAA also asserts that the quoted costs do not include the cost of spare parts or the lost revenue resulting from aircraft down-time for equipment installation.

RAA believes that concurrent installation of GPWS and TCAS I could result in significant reductions of manpower and downtime and would be consistent with FAA's revision to the part 121 windshear equipment installation program, which extended the compliance date to permit combined installation of windshear and TCAS II systems required in Amendment No. 121–216.

RAA estimates that combining the installations of GPWS and TCAS I could save as much as 200 to 300 man-hours and one additional week of airplane downtime. In the current economic conditions most airlines are facing, the RAA believes that the survival of many regional carriers is threatened by the tremendously high costs involved in separate equipment installation.

A summary of the RAA petition for exemption was published in the **Federal Register** on December 1, 1992 (57 FR 56946), and thirteen comments were received. Eight regional airlines, two Members of Congress, and one U.S. Senator were in support of changing the rule. Opposing comments were received from Sundstrand Data Control Company (Sundstrand) and the Air Line Pilots Association (ALPA).

The comments in support of the petition are based on and agree with RAA's position. They proffer the same arguments for extension that RAA asserts: first, delays in the development and operational testing of prototype TCAS I equipment; second, higher-than-estimated costs of installed TCAS I and GPWS systems; and third, increased costs incurred in removal of the affected aircraft from scheduled service twice for separate installations, instead of combining the TCAS I and GPWS installations into one aircraft modification program.

Sundstrand opposes the petition as it pertains to GPWS equipment; it makes no reference to the TCAS part of the petition.

ALPA recommends that the TCAS I implementation be delayed, but not to the extent sought by RAA. ALPA agrees that TCAS I implementation is significantly behind schedule, due to vendor development problems. Therefore, ALPA believes a reasonable delay in the TCAS I implementation program is justified. It proposes a 12 month delay but, if implementation cannot be accomplished, TCAS II should become required, instead of TCAS I.

Discussion of the Proposal

The FAA has considered all the facts and circumstances presented by the RAA and commenters and proposes to extend the compliance date for the installation of TCAS I in parts 121, 129, and 135 until March 31, 1997.

The RAA has presented the problems involved in obtaining and installing TCAS I for part 135 operators. The FAA agrees that circumstances may not warrant requiring the affected operators to install TCAS I before February 9, 1995. A TSO has just been issued. The first aircraft received a supplemental type certificate (STC) for a TCAS I installation in late July, and the TCAS I LIP is still in the initial phase. Therefore, the FAA is proposing an extension of the compliance date. The FAA finds that if the proposal is adopted, there would be no degradation of safety and it would be in the public interest, in that the use of scarce financial resources could be planned more efficiently and effectively by the certificate holders required to comply with the rule. Since parts 121 and 129 contain a similar rule for operators of aircraft with 30 seats or less, the FAA is proposing an extension for those operators as well.

The FAA has included in this notice a proposal to require that all affected aircraft be equipped with TCAS I by March 31, 1997, using a phased compliance schedule similar to the schedule that currently exists for TCAS II. The FAA seeks comments on the most economical and feasible compliance schedule to meet this overall goal. The FAA also invites public comment on any issue discussed in this rulemaking, and will fully consider each commenter's position before making any final decision on extending the TCAS I compliance date.

After considering all comments, the FAA may adopt a phased compliance

schedule in the final rule establishing specific dates and timeframes.

Regulatory Analyses

The FAA has determined that this rulemaking is not "significant" as defined by Executive Order 12866, and therefore no regulatory impact analysis is required. Nevertheless, in accordance with Department of Transportation policies and procedures, the FAA has evaluated the anticipated costs and benefits which are summarized below.

The proposed rule would extend the compliance date to install an approved traffic alert and collision avoidance system (TCAS I) from February 9, 1995, to March 31, 1997. This rule would apply to turbine-powered aircraft with 10 to 30 seats operated under parts 121, 129, and 135. This extension of the compliance deadline is necessitated by delays in the development and operational testing of prototype TCAS I equipment.

The potential benefits of this rule would be the cost-savings realized by operators of turbine-powered aircraft with a passenger seating configuration of 10 to 30 seats who would have an additional two years in which to install TCAS I systems in their aircraft. These operators would therefore be afforded an opportunity to invest the money required to install TCAS I in other aspects of their business during this grace period.

For the purpose of determining the total cost-savings of this proposed rule change, the FAA estimates that approximately 500 turbine-powered aircraft operated under part 135 would be affected by this rule and that the cost, as provided by an aviation equipment manufacturer, of installing TCAS I would be $35,000 per airplane. The total installation cost would therefore be $17,500,000. The FAA assumes for the purpose of quantifying the resulting benefit that these operators would be able to earn a marginal pretax rate of return on an average investment of 7 percent (as determined by the Office of Management and Budget). The expected return on this amount of capital would be $2.54 million (undiscounted) or $2.29 million (discounted) over a 2 year period using the 7 percent rate established by OMB. The potential benefits are therefore expected to amount to an estimated $2.29 million.

Since the development of TCAS I was delayed, there will probably not be a sufficient number of TCAS I units available by February 9, 1995, to equip all the subject aircraft. The proposed rule change, therefore, would not impose any potential costs on society in the form of a reduction in safety because the original deadline for installation is no longer attainable due to delays in developing the system. For all the reasons above, the FAA concludes that this proposed rule change would be cost-beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not necessarily burdened by government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities." The proposed rule change is of a cost relieving nature and would therefore afford cost savings to individual operators.

Under FAA Order 2100.14A, the criterion for a "substantial number" is a number that is not less than 11 and that is more than one-third of the small entities subject to the rule. For operators of aircraft for hire, a small operator is one that owns, but not necessarily operates, nine or fewer aircraft. This proposal would mainly affect part 135 scheduled operators, although some unscheduled operators could be affected as well. The FAA's criterion for a "significant impact" is $116,300 or more per year for a scheduled operator and $4,600 or more for an unscheduled operator. The extent of cost savings would be $2,450 per aircraft (.07×$35,000). The maximum extent of these savings per operator for determining these impacts would therefore be $22,050 (9×$2,450), which is above the threshold for unscheduled operators but below the threshold for scheduled operators. Although the criterion for a "significant impact" would be satisfied for unscheduled operators if they had two or more aircraft with 10 to 30 passenger seats, the FAA believes that the criterion for a "substantial number" (i.e., one-third of small entities) would not be satisfied for these operators. It is unlikely that one-third or more of these operators would have two or more aircraft with 10–30 seats in their fleets. The FAA solicits comments from the air taxi industry regarding the makeup of operator fleets with respect to size of aircraft.

International Trade Impact Assessment

The Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. The impact of the proposed rule change on international trade should be limited by the regionalized nature of the routes that are typically flown by aircraft with 10 to 30 seats. In addition, the fact that this rule would have the same economic impact on both the domestic (parts 121 and 135) and foreign operators (part 129) of this size range of aircraft would limit its impact on competitive relationships between these two classes of operators. Based on this information, the FAA concludes that the proposed rule change would have a negligible impact on international trade.

Federalism Implications

The regulation proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

There are no requirements for information collection associated with this rule that would require approval from the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Conclusion

For the reasons discussed in the preamble, the FAA certifies that this proposed regulation is not significant under Executive Order 12866. In addition, this proposal, if adopted, would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is considered nonsignificant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects

14 CFR Part 121

Air carriers, Aircraft, Aviation safety, Charter flights, Safety.

14 CFR Part 129

Air carriers, Aircraft, Aviation safety.

14 CFR Part 135

Air carriers, Aircraft, Airplanes, Air taxis, Air transportation, Aviation safety, Charter flights, Safety, Transportation.

The Proposed Rule

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 121, 129, and 135 of the Federal Aviation Regulations

(14 CFR part 121, 14 CFR part 129, and 14 CFR part 135) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1993).

2. Section 121.356 is amended by revising paragraph (b) to read as follows:

§ 121.356 Traffic Alert and Collision Avoidance System.

(a) * * *

(b) After March 31, 1997, no person may operate a combination cargo/passenger airplane that has a passenger seat configuration, excluding any pilot seat, of 10 to 30 seats unless it is equipped with an approved traffic alert and collision avoidance system.

* * * * *

PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S. REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

3. The authority citation for 129 continues to read as follows:

Authority: 49 U.S.C. App 1346, 1354(a), 1356, 1357, 1421, 1502, and 1511, 49 U.S.C. 106(g); Sec. 101 *et seq.*, Pub. L. 101–604, 104 Stat. 3066.

4. Section 129.18 is amended by revising paragraph (b) to read as follows:

§ 129.18 Traffic Alert and Collision Avoidance System.

(a) * * *

(B) After March 31, 1997, no foreign air carrier may operate in the United States a turbine powered airplane that has a passenger seating configuration, excluding any pilot seat, of 10 to 30 seats unless it is equipped with an approved traffic alert and collision avoidance system. If a TCAS II system is installed, it must be capable of coordinating with TCAS units that meet TSO C–119.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

5. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq;* E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902; 49 U.S.C. 106(g).

6. Section 135.180 is amended by revising paragraph (a) to read as follows:

§ 135.180 Traffic Alert and Collision Avoidance System.

(a) After March 31, 1997, no person may operate a turbine powered airplane that has a passenger seating configuration, excluding any pilot seat, of 10 to 30 seats unless it is equipped with an approved traffic alert and collision avoidance system.

* * * * *

Issued in Washington, DC, on March 23, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List March 30, 1994

Public Laws

103d Congress, 2d Session, 1994

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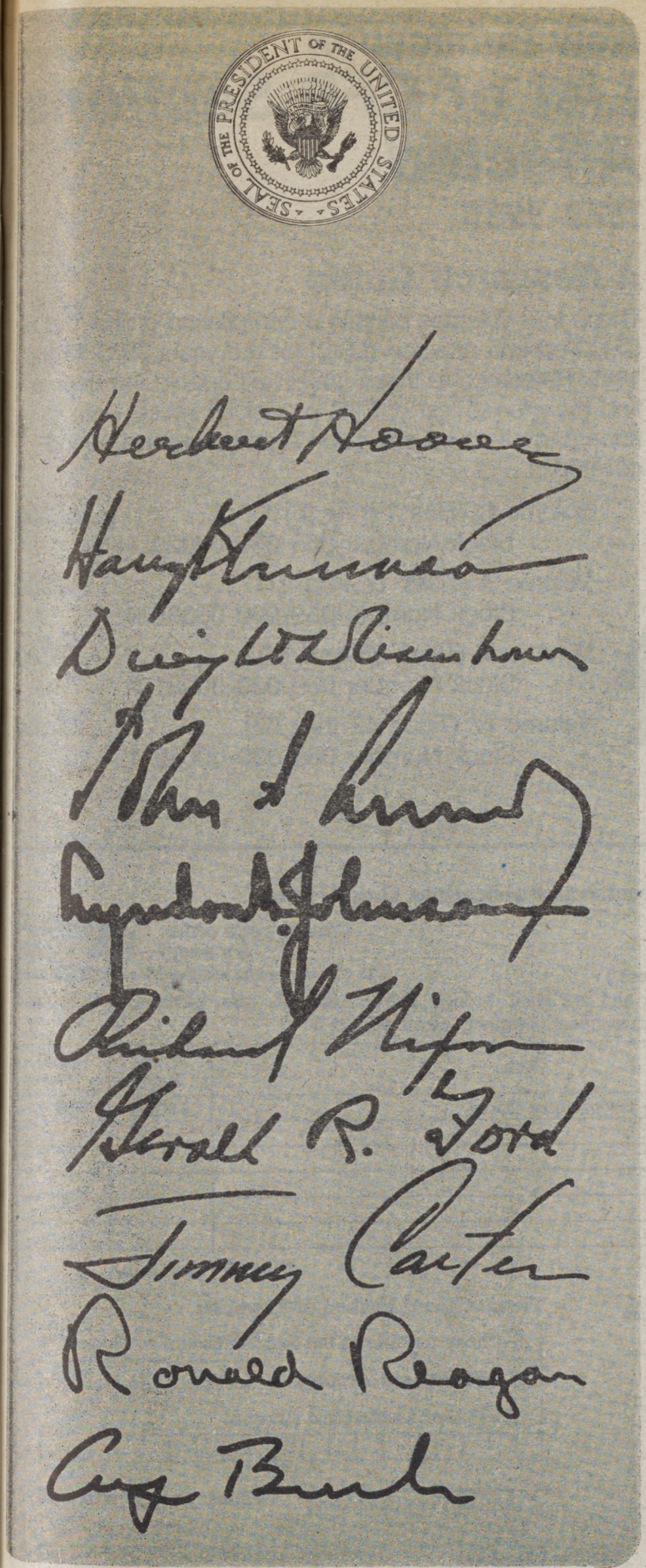
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