

without the prior approval of the Commission, directly or indirectly, through subsidiaries, partnerships, or otherwise:

A. Acquire any stock, share capital, equity or other interest in any concern, corporate or non-corporate, engaged at the time of such acquisition in, or within the two (2) years preceding such acquisition engaged in, the manufacture of Verapamil HC1 in the United States, or any concern that is an exclusive distributor of Verapamil HC1 in the United States for a manufacturer of Verapamil HC1, provided, however, that each pension, benefit, or welfare plan or trust controlled by respondent may acquire, for investment purposes only, an interest of not more than two (2) percent of the stock or share capital of such person or concern, and further provided, however, that an acquisition will be exempt from the requirements of this Paragraph III.A. if it is solely for the purposes of investment and respondent will hold cumulatively no more than two (2) percent of the shares of any class of security;

B. Acquire any assets used in or previously used in (and still suitable for use in) the manufacture of Verapamil HC1 in the United States; provided however, that this Paragraph III.B. shall not apply to any acquisition of goods, services, or equipment in the ordinary course of business;

C. Enter into any agreement with a manufacturer of Verapamil HC1 granting respondent the exclusive right to distribute such manufacturer's Verapamil HC1 for resale.

#### IV

*It is further ordered* That one year (1) from the date this order becomes final, annually for the next nine (9) years on the anniversary of the date this order becomes final, and at such other times as the Commission may require, respondent shall file a verified written report setting forth in detail the manner and form in which it has complied and is complying with this order.

#### V

*It is further ordered* That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries or any other change in the corporation that may affect compliance obligations arising out of the order.

#### VI

*It is further ordered* That, for the purpose of determining or securing compliance with this order, subject to any legally recognized privilege and upon written request with reasonable notice, respondent shall permit any duly authorized representatives of the Commission:

A. Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of respondent relating to any matters contained in this order; and

B. Upon five (5) days' notice to respondent and without restraint or interference from it, to interview officers, directors, or employees of respondent, who may have counsel present regarding such matters.

#### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a proposed Consent Order from IVAX Corporation ("IVAX"), which prohibits IVAX from acquiring any rights to market or sell generic verapamil hydrochloride in the extended release form ("generic verapamil") pursuant to Zenith Laboratories' exclusive distribution agreement with G.D. Searle & Co. ("Searle").

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed Order.

On August 26, 1994, IVAX and Zenith Laboratories, Inc., ("Zenith") entered into an agreement whereby IVAX agreed to acquire all of the voting securities of Zenith in a share exchange valued at \$593 million. The proposed complaint alleges that the proposed acquisition, if consummated, would constitute a violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act, as amended, 15 U.S.C. § 45, in the market for the sale of generic verapamil in the United States. IVAX is the only company with an approved Abbreviated New Drug Application ("ANDA") to manufacture and sell generic verapamil in the United States, and Zenith has exclusive rights to market and sell generic verapamil for

Searle, a company that manufactures a branded equivalent of the generic drug.

The proposed Consent Order would remedy the alleged violation by prohibiting IVAX from acquiring Zenith's rights to market or sell generic verapamil pursuant to the exclusive distribution agreement between Zenith and Searle. In an effort to address antitrust concerns, Zenith and Searle had terminated the exclusive distribution agreement on November 28, 1994, and agreement that Zenith would transfer its generic verapamil customers to Searle or Searle's designee, which would continue to sell generic verapamil. As a result, two independent competitors will remain in the market following the proposed acquisition. The proposed Consent Order ensures that IVAX will not be able to renegotiate an exclusive arrangement with Searle after it acquires Zenith.

Under the provisions of the Consent Order, IVAX is also required to provide to the Commission a report of its compliance with the provisions of the Order one (1) year from the date the Order becomes final, and annually thereafter for nine (9) years.

The proposed Order will prohibit IVAX, for a period of ten (10) years, from acquiring, without Federal Trade Commission approval, any stock in any concern engaged in the manufacture of generic verapamil or in any concern that is an exclusive distributor in the United States for another manufacturer of generic verapamil, or any assets used in the manufacture of generic verapamil in the United States, unless they are acquired in the ordinary course of business. In addition, the Proposed Order requires IVAX to seek prior Commission approval before entering into any exclusive agreement to distribute another manufacturer's generic verapamil. The Consent Order also requires IVAX to notify the Commission at least thirty (30) days prior to any change in the structure of IVAX resulting in the emergence of a successor.

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the agreement and proposed Order or to modify in any way their terms.

**Benjamin I. Berman,**

*Acting Secretary.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Agency Information Collection Under OMB Review**

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Administration for Children and Families (ACF) has submitted to the Office of Management and Budget (OMB) a request for the continued use of an information collection titled: ACF-233-AT-RISK CHILD CARE PROGRAM QUARTERLY REPORT OF EXPENDITURES AND ESTIMATES.

Addresses: Copies of the request for approval may be obtained from Robert A. Sargis of the Office of Information Systems Management, ACF, by calling (202) 690-7275.

Consideration will be given to comments and suggestions received within 60 days of publication. Written comments and recommendations for the proposed information should be sent directly to the following: Wendy Taylor, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, Room 10235, 725 17th Street, N.W., Washington, D.C. 20503, (202) 395-7316.

**Information on Document**

*Title: ACF-233-At-Risk Child Care Program Quarterly Report of Expenditures and Estimates*

*OMB No.:*

*Description:* The At-Risk Program provides child care to families who are not receiving AFDC, need child care to work and would otherwise be at risk of becoming eligible for AFDC. The information required on this form will allow the Federal Government to compute the quarterly grant awards for the program and to compute funds required to operate the program for the upcoming quarter.

*Annual Number of Respondents:* 54 sites

*Number of responses per respondent:* 4

*Total annual responses:* 216 sites

*Hours per response:* 2

*Total Burden Hours:* 432

Dated: December 23, 1994.

**Larry Guerrero,**

*Deputy Director, Office of Information Systems Management.*

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**Runaway and Homeless Youth Program Proposed Priorities for Fiscal Year 1995**

**AGENCY:** Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

**ACTION:** Notice of Proposed Fiscal Year 1995 Runaway and Homeless Youth Program Priorities for the Administration for Children and Families.

**SUMMARY:** Section 384 of the Runaway and Homeless Youth Act, 42 U.S.C. 5732, requires the Secretary to publish annually, for public comment, a proposed plan specifying priorities the Department will follow in awarding grants and contracts under the Act. The final priorities selected will take into consideration the comments and recommendations received from the public in response to this notice.

The public, particularly those knowledgeable about and experienced in providing services to runaway and homeless youth, are urged to respond. The actual solicitations for grant applications will be published at a later date in the **Federal Register**. Solicitations for contracts will be published in the "Commerce Business Daily" or addressed to the eight Master Contractors for the "Policy and Program Studies" consortium recently established by the Administration on Children, Youth and Families (ACYF). No proposals, concept papers or other forms of application should be submitted at this time.

**DATES:** To be considered, comments must be received no later than February 21, 1995.

**ADDRESSES:** Please address comments to: Olivia A. Golden, Commissioner, Administration on Children, Youth and Families. Attention: Family and Youth Services Bureau, P.O. Box 1182, Washington, D.C. 20013.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Family and Youth Services Bureau (FYSB) administers three Federal programs dealing with runaway and homeless youth:

- The Runaway and Homeless Youth Basic Center Program (BCP),
- The Transitional Living Program for Homeless Youth (TLP), and
- The Drug Abuse Prevention Program for Runaway and Homeless Youth (DAPP).

The first two of the FYSB programs listed above—the BCP and the TLP—are authorized under the Runaway and Homeless Youth Act (Title III of the

Juvenile Justice and Delinquency Prevention Act of 1974, as amended) and are the primary subject of the priorities proposed in this notice.

The Act specifically authorizes the Secretary to make grants to entities that establish and operate local runaway and homeless youth centers (Basic Centers) to address the immediate needs of at-risk youth. Currently, 341 such projects are being supported. The Act also authorizes activities that support the local centers, and that gather knowledge about the conditions of runaway and homeless youth and their families.

The Act further authorizes the Secretary to make grants to entities that establish and operate transitional living projects for homeless youth to enable the youth to become self-sufficient and to avoid long-term dependency on social services. Currently, 74 such projects are being supported.

The Act also authorizes financial support for:

- A national communications system (a toll-free 24-hour runaway hotline) which serves as a neutral channel of communication between at-risk youth and their families and as a source of referral to needed services;
- Grants to statewide and regional non-profit organizations for the provision of training and technical assistance to agencies and organizations eligible to establish and operate runaway and homeless youth centers; and
- Grants to conduct research, demonstration, evaluation, and service projects.

*Annual Program Priorities.* The Runaway and Homeless Youth Act instructs the Secretary to develop for each fiscal year, and to publish annually in the **Federal Register** for public comment, a proposed plan specifying the subject priorities the Department will follow in making grants under the Act (Section 384. [42 U.S.C. 5732] (a)). The Secretary is further instructed to take into consideration the comments received in developing and publishing the subsequent plan specifying the final fiscal year priorities (Section 384. [42 U.S.C. 5732] (b)). The present notice constitutes the Department's proposed priorities for fiscal year 1995.

No acknowledgement will be made of the comments received in response to this notice, but all comments received by the deadline will be considered in preparing the runaway and homeless youth final priorities. Final priorities will be published in the **Federal Register** prior to or at the time of solicitation of grant proposals competing for fiscal year 1995 funds.