greater degree than the United States discriminates against defense items produced in that country.

(4) Satisfactory quality items manufactured in the United States or Canada are not available.

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada.

(6) Application of the restriction is not in the national security interest of the United States.

(7) Application of the restriction would adversely affect a U.S. company.

(b) The restriction is waived when it would cause unreasonable costs. The cost of the air circuit breaker manufactured in the United States or Canada is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not manufactured in the United States or Canada.

8. Section 225.7016–4 is removed and section 225.7016–5 is redesignated as section 225.7016–4 and revised to read as follows:

225.7016–4 Contract clause.

Use the clause at 252.225–7029, Preference for United States or Canadian Air Circuit Breakers, in all solicitations and contracts requiring air circuit breakers for naval vessels, unless—

(a) An exception under 225.7016–2 is known to apply; or

(b) A waiver has been granted in accordance with 225.7016–3.

9. Sections 225.7019–1, 225.7019–2, 225.7019–3, and 225.7019–4 are revised to read as follows:

225.7019–1 Restriction.

In accordance with 10 U.S.C. 2534, through fiscal year 1995, do not acquire antifriction bearings or bearing components which are not manufactured in the United States or Canada.

225.7019–2 Exceptions.

The restriction in 225.7019–1 does not apply to—

(a) Acquisitions below the simplified acquisition threshold;

(b) Purchases of commercial products incorporating antifriction bearings;

(c) Miniature and instrument ball bearings restricted under 225.71;

(d) Items acquired overseas for use overseas; or

(e) Antifriction bearings or bearing components or items containing bearings for use in a cooperative or co-production project under an international agreement.

225.7019–3 Waiver.

The head of the contracting activity may waive the restriction in 225.7019–1—

(a) Upon execution of a determination and findings that—

(1) No domestic (U.S. or Canadian) bearing manufacturer meets the requirement;

(2) It is not in the best interests of the United States to qualify a domestic bearing to replace a qualified nondomestic bearing. This determination must be based on a finding that the qualification of a domestically manufactured bearing would cause unreasonable costs or delay. A finding that a cost is unreasonable should take into consideration DoD policy to assist the domestic industrial mobilization base. Contracts should be awarded to domestic bearing manufacturers to increase their capability to reinvest and become more competitive;

(3) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country;

(4) Application of the restriction would impede cooperative programs entered into between DoD and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater a degree than the United States discriminates against defense items produced in that country;

(5) Application of the restriction would result in the existence of only one source for the item in the United States or Canada;

(6) Application of the restriction is not in the national security interests of the United States; or

(7) Application of the restriction would adversely affect a U.S. company.

(b) For multiyear contracts or contracts exceeding 12 months, only if—

(1) The head of the contracting activity executes a determination and findings in accordance with paragraph (a) of this subsection;

(2) The contractor submits a written plan for transitioning from the use of nondomestic to domestically manufactured bearings;

(3) The plan—

(i) States whether a domestically manufactured bearing can be qualified, at a reasonable cost, for use during the course of the contract period;

(ii) Identifies any bearings that are not domestically manufactured, their application, and source of supply; and

(iii) Describes, including cost and timetable, the transition to a domestically manufactured bearing. (The timetable for the transition should normally take no longer than 24 months from the date the waiver is granted); and

(4) The contracting officer accepts the plan and incorporates it in the contract.

225.7019–4 Contract clause.

Use the clause at 252.225–7016, Restriction on Acquisition of Antifriction Bearings, in all solicitations and contracts, unless—

(a) An exception applies or a waiver has been granted; or

(b) The contracting officer knows that the items being acquired do not contain antifriction bearings.

Subpart 252.2—Texts of Provisions and Clauses

10. Section 252.225–7017 is amended by revising in the introductory text the reference ''225.7004–5(a)'' to read ''225.7004–6(a);'' by revising the clause date to read ''(APR 1995)'' in lieu of ''(APR 1992);'' and by revising paragraph (c) to read as follows:

252.225–7017 Preference for United States and Canadian valves and machine tools.

* * * * *

(c) Unless an exception applies or a waiver is granted under 225.7004–4(a) of the Defense Federal Acquisition Regulation Supplement, preference will be given to valves and machine tools of United States or Canadian origin by adding 50 percent to the offered price of all other valves and machine tools for evaluation purposes.

(End of clause)

11. Section 252.225–7029 is revised to read as follows:

252.225–7029 Preference for United States or Canadian air circuit breakers.

As prescribed in 225.7016–4, use the following clause:

Preference for United States or Canadian Air Circuit Breakers (Apr 1995)

(a) Unless otherwise specified in its offer, the Contractor agrees that air circuit breakers for naval vessels provided under this contract shall be manufactured in the United States or Canada.

(b) Unless an exception applies or a waiver is granted under 225.7016–3(a) of the Defense Federal Acquisition Regulation Supplement, preference will be given to air circuit breakers manufactured in the United States or Canada by adding 50 percent to the offered price of all other air circuit breakers for evaluation purposes.

(End of clause)

[FR Doc. 95–9496 Filed 4–18–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[Docket 49713]

RIN 2105–AB95

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: On August 19, 1994, the Office of the Secretary of Transportation issued a final rule requiring transportation employers to begin using a new Federal Drug Testing Custody and Control Form for all DOT-required drug tests on February 16, 1995. This final rule extends the date by which transportation employers must comply with the use of the new form to June 1, 1995.

EFFECTIVE DATE: This rule is effective April 19, 1995.

FOR FURTHER INFORMATION CONTACT: Kenneth Edgell, Office of Drug Enforcement and Program Compliance, Department of Transportation, 400 7th Street SW., room 9404, Washington, DC 20590 (202) 366–3784.

SUPPLEMENTARY INFORMATION: In February 1994, the Department of Transportation published a final rule which, in part, revised drug testing procedures for employers in the aviation, maritime, railroad, mass transit, pipeline, and motor carrier industries. In August 1994, the DOT issued minor or technical amendments to the rule. One such amendment was the mandatory use ''without exception and without modification'' of the Federal Drug Testing Custody and Control Form for all DOT urine specimen collections. The form was designed through a lengthy and corroborative effort among DOT, the Department of Health and Human Services, and other interested parties. This form is authorized for use only in Federal employee testing programs and for testing conducted under DOT operating administration rules, and is not authorized for use in any other type of drug testing program. This form will accommodate both split and single specimen collections; instructions for proper use are printed on the back of the last page of the form. All seven pages of the form were printed on August 19, 1994, (59 FR 43005–43012); only the front page is reproduced in Appendix A to this rule. This form may be produced by transportation employers, DHHS laboratories, collection sites, etc., but must be an exact duplication without modification. OMB has approved the form under the Paperwork Reduction Act, having assigned the OMB No. 9999–0023, with the expiration date of June 30, 1997.

Employers are required to record information specific to the collection of a urine specimen to be used for a DOT drug test. The information that is required is identified on the new Federal Drug Testing Custody and Control Form, and information may not be gathered that is inconsistent with that required by the new form. Mandatory use of the new form had been set to begin on February 16, 1995. Recent information from laboratories, the primary suppliers of the form, and collectors and employers, the main users of the form, indicated that the form is not universally available. A variety of reasons contributing to the unavailability includes DHHS laboratories failure to print the new forms in a timely manner, as well as their mistaken belief that inventories of existing forms could be used up prior to the phase-in of the new form. Assertions were also made that the colored paper for the seven-part form is available only on a limited basis, and that the form is not yet available for sale at the Government Printing Office. After careful consideration of the validity of this situation, the Department has extended the compliance date for mandatory use of the form to June 1, 1995. Collections made with out-of-date forms after that date should not be rejected (by DHHS laboratories) solely because of the usage of the form. Procedures for corrective action were provided the DHHS laboratories via a memorandum on January 23, 1995 from DOT (Office of Drug Enforcement and Program Compliance). These procedures will continue to be in effect after June 1, 1995. DOT compliance agencies will be reviewing the use of the new form and may assess penalties against transportation employers who are not in compliance after June 1, 1995.

Federal Drug Testing Custody and Control Form

The following provides printing and use instructions for the new form.

All entities conducting urine specimen collections and drug testing under 49 CFR part 40 shall exclusively use the standard Federal Drug Testing Custody and Control Form. The form, a seven-part carbonless manifold, shall be 8½ by 11 inches in detached size. Part 1 (white) is the original and must accompany the specimen to the laboratory. Part 2 (white) is the second original and must accompany the specimen to the laboratory. Part 3 (white) is the split specimen original and must accompany the split specimen to the laboratory. Part 4 (pink) must be sent directly to the Medical Review Officer. Part 5 (green) must be given to the donor. Part 6 (yellow) is retained by the collector. Part 7 (blue) is forwarded to the employer.

Print part numbers and designations in red ink at the bottom left on all parts. Print all other information in black ink. Chemical transfer image must be black.

Parts 1 through 7 must have a preprinted specimen identification number. This number, ⅛″ to 3⁄16″ high (*size recommended*), reading parallel to the 8½″ dimension, in a space 1¼″ × 3⁄16″ (*size recommended*) in the top center of all parts (to correspond with ''SPECIMEN ID NO.'' and appear to the left of the ''A'' delimiter (or ''B (SPLIT)'' on Part 3) on all parts). The identical specimen identification number ⅛″ to 3⁄16″ high (*size recommended*), in a space 1¼″ x 3⁄16″ (*size recommended*), shall appear on Part 1 on each unitary label/seal (to correspond with ''SPECIMEN ID NO.'' and appear to the left of the ''A'' and ''B (SPLIT)'' delimiters). Note: The specimen identification number on the form (all seven parts) must be identical to the specimen identification number on the labels. Specimen identification numbers may be printed individually to each part prior to assembly, or ''crash numbered'' on all parts simultaneously after assembly. All numbers must be clear and legible on all parts. These numbers need to be unique *only* for the particular collection. However, the DOT favors numbering systems (e.g., 6 or more digits) that are unique to, and controlled by, the printer of the form.

The unitary labels/seals are to be of tamper-evident quality, and shall be on a perforated stub on the right-hand side of Part 1. The actual size of the labels may be modified to properly fit the specimen bottles to which they will be affixed. A shipping container seal is required for DOT specimens, however, making the shipping container seal part of the form is optional; this seal may be supplied as a separate item in a laboratory's specimen collection kit. If the shipping container seal is part of the form, it must be placed in the label area on Part 1. Part 7 may have a corresponding perforated stub (as backing) to match Part 1 (i.e., to aid in form production and stability).

The top portion, reading parallel to the 8½″ dimension, (above SPECIMEN ID NO.) on Parts 1 through 7 may be customized to contain the laboratory's logo and/or bar coding necessary for

accounting and identifying information. No other areas on the form are subject to modification, other than under the provisions of section 40.23(a) which must be approved by the DOT. If bar coding is used in the top portion of Part 1, a corresponding bar code may appear on each of the unitary labels/seals (and shipping container seal, if applicable).

OMB No. 9999–0023 and Expiration Date: 6/30/97 must appear on the Federal Drug Testing Custody and Control Form. (Note the number and date in the lower left-hand corner of the form in Appendix A.) The form will be placed in stock in the Superintendent of Documents, Government Printing Office for sale to the general public by the compliance date.

Regulatory Analysis and Notices

This is not a significant rule under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. It does not impose costs on regulated parties and may, to a limited extent, reduce regulatory burdens. Consequently, a regulatory evaluation has not been prepared. The Department finds, for purposes of the Administrative Procedure Act, that issuance of a notice of proposed rulemaking on these subjects is unnecessary, impracticable, or contrary to the public interest. This amendment simply extends the compliance date for use of the form. The use of the form conforms to previous, joint DOT/DHHS actions, and the rapid issuance of this notification is in the interest of the public. The immediate effective date for this amendment is established because of the necessity of immediately correcting a situation that may be beyond the practical control of many transportation employers, yet still cause them to incur penalties.

List of Subjects in 49 CFR Part 40

Drug testing, Alcohol testing, Laboratories, Reporting and recordkeeping requirements, Safety, Transportation.

Issued this 4th day of April 1995, at Washington, DC.

Federico Peña,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department of Transportation amends title 49, Code of Federal Regulations, part 40 as follows:

PART 40—PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS

1. The authority citation for 49 CFR part 40 continues to read as follows:

Authority: 49 U.S.C. 102,301,322; 49 U.S.C. app. 1301nt., app. 1434nt., app. 2717, app. 1618a.

2. Section 40.23(a) is amended to read as follows:

§ 40.23 Preparation for testing.

* * * * *

(a)(1) Except as provided in paragraph (a)(2) of this section, use of the drug testing form prescribed under this part.

(i) This form is found in Appendix A to this part.

(ii) Employers and other participants in the DOT drug testing program may not modify or revise this form, except that the drug testing custody and control form may include such additional information as may be required for billing or other legitimate purposes necessary to the collection, provided that personal identifying information on the donor (other than the social security number or other employee ID number) may not be provided to the laboratory.

(iii) Donor medical information may appear only on the copy provided the donor.

(2) Notwithstanding the requirement of paragraph (a)(1)(ii) of this section, employers and other participants may use existing forms that were in use in the DOT drug testing program prior to February 16, 1995, until June 1, 1995.

(3) Appendix A to part 40 is amended by revising the Federal Drug Testing Custody and Control Form, Copy 1, to read as follows:

Appendix A to Part 40—Federal Drug Testing Custody and Control Form

BILLING CODE 4910–62–P

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

SPECIMEN ID NO. **0000000 A** LABORATORY ACCESSION NO.

SPECIMEN BOTTLE SEALS

SPECIMEN ID NO. **0000000 B** (SPLIT)

SPECIMEN ID NO. **0000000 A**

▶ **STEP 1: TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE**

A. Employer Name, Address and I.D. No. B. MRO Name and Address

C. Donor SSN or Employee I.D. No. _____

D. Reason for Test: ☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Tests to be Performed: ☐ THC, Cocaine, PCP, Opiates and Amphetamines ☐ Only THC and Cocaine ☐ OTHER (specify) _____

▶ **STEP 2: TO BE COMPLETED BY COLLECTOR** - Specimen temperature must be read within 4 minutes of collection.

Specimen temperature within range: ☐ Yes, 90° - 100°F/32° - 38°C ☐ No, Record specimen temperature here _____

▶ **STEP 3: TO BE COMPLETED BY COLLECTOR AND DONOR** - Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s).

▶ **STEP 4: TO BE COMPLETED BY DONOR** - Go to copy 4 (pink page); STEP 4

▶ **STEP 5: TO BE COMPLETED BY COLLECTOR**

COLLECTION SITE LOCATION:

Collection Facility ( ) Collector's Business Phone No.

SPLIT SPECIMEN COLLECTION ☐ YES ☐ NO

Address City State Zip

REMARKS: _____

I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 4 of this form, that it bears the same specimen identification number as that set forth above, and that it has been collected, labeled and sealed as in accordance with applicable Federal requirements.

(PRINT) Collector's Name (First, MI, Last) X Signature of Collector Date (Mo./Day/Yr.) Time AM PM

PLACE OVER CAP PLACE OVER CAP

▶ **STEP 6: TO BE INITIATED BY THE COLLECTOR AND COMPLETED AS NECESSARY THEREAFTER**

DATE MO. DAY YR.	SPECIMEN RELEASED BY	SPECIMEN RECEIVED BY	PURPOSE OF CHANGE
/ /	DONOR - NO SIGNATURE	Signature / Name	PROVIDE SPECIMEN FOR TESTING
/ /	Signature / Name	Signature / Name	
/ /	Signature / Name	Signature / Name	
/ /	Signature / Name	Signature / Name	

Donor's Initials Date (Mo. Day Yr.) Donor's Initials Date (Mo. Day Yr.)

STEP 7: TO BE COMPLETED BY THE LABORATORY - Specimen Bottle Seal(s) Intact: ☐ YES ☐ NO, Explain in Remarks Below.

THE RESULTS FOR THE ABOVE IDENTIFIED SPECIMEN ARE IN ACCORDANCE WITH THE APPLICABLE INITIAL TEST AND CONFIRMATORY TEST CUTOFF LEVELS ESTABLISHED BY THE HHS *MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS*

☐ NEGATIVE ☐ POSITIVE, for the following: ☐ CANNABINOIDS as Carboxy—THC ☐ COCAINE METABOLITES as Benzoylecgonine ☐ PHENCYCLIDINE

☐ TEST NOT PERFORMED ☐ OPIATES: ☐ codeine ☐ morphine ☐ AMPHETAMINES: ☐ amphetamine ☐ methamphetamine ☐ OTHER _____

REMARKS _____

TEST LAB (if different from above) _____ NAME ADDRESS ( ) PHONE NO.

I certify that the specimen identified by the laboratory accession number on this form is the same specimen that bears the specimen identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth are for that specimen.

(PRINT) Certifying Scientist's Name (First, MI, Last) Signature of Certifying Scientist Date (Mo. / Day / Yr.)

SHIPPING CONTAINER SEAL

Date (Mo. Day Yr.)

Collector's Initials

STEP 8: TO BE COMPLETED BY THE MEDICAL REVIEW OFFICER

I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My determination/verification is:

☐ Negative ☐ Positive ☐ Test Not Performed ☐ Test Cancelled REMARKS _____

(PRINT) Medical Review Officer's Name (First, MI, Last) Signature of Medical Review Officer Date (Mo. / Day / Yr.)

COPY 1 - ORIGINAL - MUST ACCOMPANY SPECIMEN TO LABORATORY

OMB No. 9999-0023 Expiration Date 6/30/97

For sale by the U.S. Government Printing Office Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328

[FR Doc. 95–9466 Filed 4–18–95; 8:45 am]

BILLING CODE 4910–62–C