

## TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 101095 AND 102095—Continued

Name of Acquiring Person, Name of Acquired Person, Name of Acquired entity	PMN No.	Date terminated
SunAmerica Inc., Zenith National Insurance Corp., CalFarm Life Insurance Company	95-2781	10/12/95
Manor Care, Inc., Devon Manor Corporation, Devon Manor Corporation	95-2785	10/12/95
Tetra Tech, Inc., KCM, Inc., KCM, Inc	95-2786	10/12/95
BTG, Inc., Robert F. Roberts, Jr., Concept Automation, Inc. of America	95-2788	10/12/95
Chrysler Corporation, Pacific International Services Corp., Pacific International Services Corp	95-2789	10/12/95
North American Biologicals, Inc., Univax Biologicals, Inc, Univax Biologicals, Inc	95-2796	10/12/95
Volt Information Sciences, Inc., Information International, Inc., Information International, Inc	95-2413	10/13/95
Owens-Corning Fiberglas Corporation, Thomas E. Nelsen, Soltech, Inc	95-2665	10/13/95
Olsten Corporation, Memorial Medical Center, Inc., CareOne Health Alternatives, Inc	95-2700	10/13/95
Owens-Corning Fiberglas Corporation, Fiber-Lite Corporation, Fiber-Lite Corporation	95-2791	10/13/95
ENSERCH Corporation, Mobil Corporation, Mobil Producing Texas & New Mexico, Inc	95-2641	10/14/95
Veba AG, Eastech Chemical, Inc., Eastech Chemical, Inc	95-2816	10/16/95
Praxair, E.G. Coulter, Coulter Welding Supply, Inc	95-2711	10/17/95
Cablevision Systems Corporation, Cablevision of Boston Limited Partnership, Cablevision of Boston, Inc	96-0003	10/17/95
Intrawest Corporation (a Canadian Corporation), Mr. Fukusaburo Maeda, TDC (USA) Inc	96-0009	10/17/95
Global DirectMail Corp., Tiger Direct, Inc., Tiger Direct, Inc	96-0019	10/17/95
Stoneridge, Inc., Varity Corp., Kelsey-Hayes Company	96-0025	10/17/95
AirTouch Communications, Inc., Henry M. Zachs, Message Center USA, Inc. (MC-USA)	96-0026	10/17/95
BDM International, Inc., DMR Group Inc. (a Canadian company), DMR Group Inc	96-0030	10/17/95
Owosso Corporation, Stature Electric, Inc., Stature Acquisition Corporation	96-0032	10/17/95
Mr. S. Allan Luihn, PepsiCo, Inc., Taco Bell Corp	96-0039	10/17/95
Fleet Financial Group, Inc., Challenger International, Ltd., Savage Corporation	95-2802	10/18/95
Kenneth H. Hofmann, Estate of Walter J. Haas, Oakland Athletics Baseball Company	96-0011	10/18/95
Stephen C. Schott, Estate of Walter J. Haas, Oakland Athletics Baseball Company	96-0012	10/18/95
Consolidated Electrical Distributors, Inc., LCR Corporation, LCR Corporation	96-0036	10/18/95
Host Marriott Corporation, Francis Greenburger, Elteq Partners I Limited Partnership	96-0051	10/18/95
Metropolitan Life Insurance Company, New England Mutual Life Insurance Company, New England Mutual Life Insurance Company	95-2809	10/19/95
Aspect Telecommunications Corporation, Next plc, TCS Management Group, Inc., and Callscan, Inc	96-0041	10/19/95
Sears, Roebuck and Co., Saul Levy, Nationwide Automotive, Inc. (Debtor-in-Possession)	96-0057	10/19/95
Hospital Sisters Health System, Green Bay Health System Holding Corp., Green Bay Health System Holding Corp	95-2803	10/20/95
MedPartners, Inc., Mullikin Medical Enterprises, L.P., Mullikin Medical Enterprises, L.P	95-2805	10/20/95
Catholic Healthcare West, MedPartners/Mullikin, Inc., MedPartners/Mullikin, Inc	96-0014	10/20/95
Dr. Walter T. Mullikin, MedPartners/Mullikin, Inc., MedPartners/Mullikin, Inc	96-0015	10/20/95
John S. McDonald, MedPartners/Mullikin, Inc., MedPartners/Mullikin, Inc	96-0016	10/20/95
Norman Cloutier, Michael and Judith Funk, Mountain Peoples Warehouse, Inc	96/0033	10/20/95
Michael and Judith Funk, Norman Cloutier, Cornucopia Natural Foods, Inc	96-0034	10/20/95
Lowell W. Paxson, ValueVision International, Inc., VVI Bridgeport, Inc. and VVI Akron, Inc	96-0040	10/20/95
Pelican Companies, Inc., The Sunbelf Companies, Inc., The Sunbelt Companies, Inc	96-0056	10/20/95

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay or Renee A. Horton,  
Contact Representatives, Federal Trade  
Commission, Premerger Notification  
Office, Bureau of Competition, Room  
303, Washington, DC 20580, (202) 326-  
3100.

By Direction of the Commission.

Donald S. Clark,  
*Secretary.*

[FR Doc. 95-28341 Filed 11-15-95; 8:45 am]

BILLING CODE 6750-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration**

[Docket No. 87F-0179]

**Food Additives Permitted for Direct Addition to Food for Human Consumption**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is in the final stages of its review of a food additive petition filed by Procter & Gamble Co., for the safe use of sucrose esterified with medium and long chain fatty acids (olestra) as a replacement for fats and oils. Accordingly, the agency is announcing that all data, information, and public comments on the petition must be filed with FDA on or before December 1, 1995. This measure will

facilitate the agency's decisionmaking process and coming to closure on the petition by identifying precisely which data and information FDA will consider in making its decision on the petition.

**DATES:** Written comments by December 1, 1995.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Helen R. Thorsheim, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3092.

**SUPPLEMENTARY INFORMATION:**

In the Federal Register of June 23, 1987 (52 FR 23606), FDA announced the filing of a petition (FAP 7A3997) by Procter & Gamble Co., 6071 Center Hill Rd., Cincinnati, OH 45224-1703, proposing that the food additive

regulations be amended to provide for the safe use of sucrose esterified with medium and long chain fatty acids as a replacement for fats and oils. (The additive is commonly referred to as olestra.) Since its filing, FDA has had the petition under active review, and the agency is in the final stages of its safety review of the additive.

In the Federal Register of October 17, 1995 (60 FR 53790), FDA announced that a public meeting of the agency's Food Advisory Committee (FAC) and a working group of the FAC would be held on November 14 through 17, 1995. The working group will undertake a scientific discussion of the safety review that has been conducted for olestra for its intended use as a fat replacer in savory snacks. The working group will be asked to comment on whether all relevant issues associated with olestra have been addressed. The discussion will cover all aspects of the safety review, including nutrient effects and compensation, gastrointestinal effects, and labeling. The recommendation of the olestra working group will be formally referred to the agency, along with any amendatory comments of the FAC. The agency will make the final determination on the olestra food additive petition. (See 21 CFR 14.5).

Consistent with the Federal Advisory Committee Act (5 U.S.C. App. 2), and the agency's regulations in part 14 (21 CFR part 14), the meeting of the working group and the FAC will be open to the public. In addition, as provided for in § 14.25, there will be an opportunity for public participation, including an opportunity for members of the public to present their views on the safety review of olestra, before both the working group and the FAC.

Under the Federal Food, Drug, and Cosmetic Act (the act), FDA is required to announce the filing of a food additive petition (21 U.S.C. 348(b)(5)). Although public notice of a petition is required, the act is silent with respect to public comment on a petition, and thus, the act provides no defined period for such comments. Accordingly, the filing notice did not expressly request comments on Procter & Gamble's petition. Nevertheless, written comments could have been, and in fact, have been submitted to the agency.

As noted above, FDA is in the final stages of review of the olestra food additive petition. Unless significant new safety issues are raised or important new data are submitted in the course of the advisory committee process, the agency will very likely conclude its review and be prepared to render a decision on Procter & Gamble's petition within approximately 2 months of the

conclusion of the FAC meeting. To facilitate this decisionmaking process and the agency's coming to closure on the petition, FDA believes that it is important to identify precisely which data and information the agency will consider in making its decision on the petition. Absent such boundaries, it will be difficult for FDA to reach a decision because the underlying data set could be shifting continuously. (See *Sierra Club v. Costle*, 657 F.2d 298, 399-400 (D.C. Cir. 1981) (a participant's mere wish for additional time to respond to documents in the record to which it already had opportunity to respond cannot force an agency to delay process because new information may be forthcoming; otherwise participants could delay the process indefinitely because new information continually comes to light on the subject of many proposed rules.))

Given the importance of reaching a decision and the clear public interest in a decision, FDA has determined that any data, information, or comments received after December 1, 1995, will not be considered by the agency in determining whether to approve the petition. Any data, information, or comments received after that date will be filed in an administrative file and will be evaluated along with any objections to the final decision filed under 21 U.S.C. 348(f).

FDA believes that it is appropriate for the agency to manage its administrative processes, see *Sierra Club v. Gorsuch*, 715 F.2d 653, 658 (D.C. Cir. 1983)) (agency has control over timetable of rulemaking and such decisions are entitled to considerable deference); *Cutler v. Hayes*, 818 F.2d 879, 896 n. 150 (D.C. Cir. 1987), citing *Natural Resources Defense Council, Inc. v. SEC*, 606 F.2d 1031, 1056 (D.C. Cir. 1979) (agency is cognizant of the most effective structuring and timing of proceedings to resolve competing demands over its resources), and that in these circumstances, such management through defining a comment period will not unnecessarily limit public participation in that process.

In particular, for over 8 years, since the June 1987 publication of the filing notice, the public has been aware that the food additive petition for olestra has been under consideration by FDA, and has had the opportunity to submit information and comments to the agency on Procter & Gamble's proposal. In addition, under the applicable regulations (21 CFR 171.1(h)(1)(i)), all safety and functionality data for olestra submitted during this period by Procter & Gamble have been available to the public for review and comment upon

the submission of such data to the agency. Interested persons have utilized this opportunity to review these data and to provide the agency with their views by submitting written comments. Finally, the agency has announced a public advisory committee meeting on the olestra petition. This meeting will provide interested persons with the opportunity to hear an informed scientific discussion of the relevant safety issues, and to present data, information, and views relevant to the safety of olestra.

The agency believes that with the conclusion of the FAC meeting, there will have been more than a reasonable opportunity for the public to provide data and information and to comment on the olestra food additive petition. See *Forester v. CPSC*, 559 F.2d 774, 787 (D.C. Cir. 1977). Because there has been such an opportunity, FDA believes that it is appropriate and consistent with the public interest to define a specific period for the submission of data, information, and comments on the food additive petition. Defining boundaries for those data, information, and comments to be considered by FDA in rendering a decision on the petition will facilitate the agency's coming to closure on this petition. Therefore, the agency is establishing December 1, 1995, as the date by which all data, information, and comments on the olestra food additive petition, including comments on the proceedings before the FAC, must be submitted to the agency in order to be considered by the agency in its decision on the petition.

Any request for extension of this period for comments on the olestra food additive petition should conform to the provisions of 21 CFR 10.40(b).

Dated: November 13, 1995.

William B. Schultz,

*Deputy Commissioner for Policy.*

[FR Doc. 95-28359 Filed 11-13-95; 4:16 pm]

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## Substance Abuse and Mental Health Services Administration

### Changes to the Testing Cutoff Levels for Opiates for Federal Workplace Drug Testing Programs

**AGENCY:** Substance Abuse and Mental Health Services Administration, PHS, HHS.

**ACTION:** Notice of proposed revisions.

**SUMMARY:** The Department of Health and Human Services (HHS) is proposing to revise the Mandatory Guidelines for Federal Workplace Drug Testing Programs, 59 FR 29916 (June 9, 1994).