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Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

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Presidential Documents

Title 3—

The President

Executive Order 12842 of March 29, 1993

International Development Law Institute

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and in light of the Act of Congress authorizing the participation of the United States in the International Development Law Institute, section 805 of the Freedom Support Act of 1992, Public Law 102–511, I hereby designate the International Development Law Institute as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act. This designation is not intended to abridge in any respect the privileges, exemptions, or immunities that such organization may have acquired or may acquire by international agreements or by congressional action.

William J. Clinton

THE WHITE HOUSE,
March 29, 1993.

[FR Doc. 93–7734
Filed 3–30–93; 2:03 pm]
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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.

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Regulation Z; Docket No. TIL-1]

Truth in Lending; Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; official staff interpretation.

SUMMARY: The Board is revising the official staff commentary to Regulation Z (Truth in Lending). The commentary applies and interprets the requirements of Regulation Z. The revisions are limited, and address regulatory provisions needing clarification or issues for which there may be a general need for more guidance. The revisions address the interplay between the Truth in Lending rules on demand features and other federal rules dealing with credit extended to executive officers of depository institutions. They provide greater flexibility in complying with the disclosure requirements under Regulation Z in these transactions. The disclosure rules for security interests (particularly those in rescindable transactions) are also clarified. The commentary offers creditors alternative methods of disclosing security interests in rescindable transactions.

DATES: Effective April 1, 1993; but compliance is optional until October 1, 1993.

FOR FURTHER INFORMATION CONTACT: Kyung Cho, Jane Gell or Kurt Schumacher, Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 29551, at (202) 452-3667. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD), at (202) 452-3544.

SUPPLEMENTARY INFORMATION:

(1) General

The Truth in Lending Act (15 U.S.C. 1601 *et seq.*) governs consumer credit transactions and is implemented by the Board's Regulation Z (12 CFR part 226). Effective October 13, 1981, an official staff commentary (TIL-1, Supp. I to 12 CFR part 226) was published to interpret the regulation. The commentary is designed to provide guidance to creditors in applying the regulation to specific transactions and is updated periodically to address significant questions that arise.

The Board published proposed revisions to the official staff commentary to Regulation Z (Truth in Lending) on December 9, 1992 (57 FR 58159). The Board received 44 comments on the proposal relating to demand features in credit transactions to executive officers and disclosure of a security interest in rescindable transactions. Commenters generally supported the proposal. Based on a review of the comments and further analysis, the Board is adopting the commentary update which, except for minor editorial changes, is virtually identical to the proposed commentary language. Compliance with the commentary revision is optional until October 1, 1993.

(2) Revisions

The following is a description of the revisions to the commentary:

Subpart A—General

Section 226.2 Definitions and Rules of Construction

Section 2(a) Definitions

Section 2(a)(25) Security Interest

The Board received numerous questions about the disclosure of security interests—particularly in rescission notices—and about the appropriate use of the model rescission form for a refinancing with an original creditor. Comment 2(a)(25)-6 is revised to clarify that disclosures about collateral securing an open-end or closed-end credit transaction need not specify how the security interest is taken, for example, by "acquiring" a new security interest or by "retaining" an existing security interest. The revision expands on an interpretation added in the 1989 commentary update (54 FR 9417, March 7, 1989). Commentary to the definition of "security interest" is revised because of its applicability to the security interest disclosures under multiple sections of the regulation (§§ 226.6, 226.15, 226.18 and 226.23). Sample language is provided to illustrate how a rescission notice could disclose the fact that a transaction is secured by the consumer's home without any additional detail about the security interest.

The comment refers to the model form for rescission of refinancings with an original creditor (model form H-9) to illustrate that it adequately discloses the fact of a security interest where a new security interest is acquired (and the preexisting security interest is replaced by the new one). As stated in the Supplementary Information to the 1989 commentary update, comment 2(a)(25)-6 was intended to clarify "that the disclosure that an interest is retained, as in form H-9, is adequate in a refinancing where a new mortgage is filed and a new advance is made." The revision specifically incorporates that position into the commentary.

The commentary revisions make clear that the requirements about disclosure of a security interest in a rescission notice may be satisfied with either a generic statement of the fact that the consumer's home is security for the transaction or with a more detailed disclosure about that security interest. It further makes clear, as an alternative to modifying rescission notices to include more generic disclosures, that the form H-9 may be used, without modification, in any case in which an original creditor refinances a transaction (whether or not the refinancing involves keeping in place an existing security interest for any period of time or involves taking a new security interest).

Subpart B—Open-End Credit

Section 226.5b Requirements for Home-Equity Plans

Section 5b(d) Content of Disclosures

Section 5b(d)(4) Possible Actions by Creditor—Paragraph 5b(d)(4)(iii)

Comment 5b(d)(4)(iii)-1 is revised to reflect the amendment to § 226.5b(f)(2) adopted by the Board in August 1992. (57 FR 34676, August 6, 1992.) The Board amended the regulation to provide that a depository institution may terminate and demand payment of the balance on any home equity line of

credit extended to its executive officers to the extent federal law requires that the credit shall be due and payable on demand. (See § 226.5b(f)(2)(iv).) For example, Regulation O contains this requirement for state member banks of the Federal Reserve System. (See 12 CFR 215.5.)

In the Supplementary Information accompanying the amendment, the Board stated that the regulation requires that this provision be part of the home-equity agreement, although this feature is not required to be disclosed with the preapplication disclosures. The commentary restates this position.

Section 5b(f) Limitations on Home Equity Plans—Paragraph 5b(f)(2)

Comment 5b(f)(2)–1 is revised to clarify that a creditor may terminate a plan as provided in § 226.5b(f)(2)(iv).

Section 226.6 Initial Disclosure Statement

Section 6(e) Home Equity Plan Information

Comment 6(e)–1 is revised to add a cross reference to comment 5b(d)(4)(iii)–1. This reflects the position taken in the Supplementary Information of the August 6, 1992 **Federal Register** notice that the termination feature in § 226.5b(f)(2)(iv) also need not be specifically disclosed under § 226.6(e).

Appendix G Open-End Model Forms and Clauses

Comment 4 to Appendix G is revised to add a cross reference to comment 226.2(a)(25) regarding the specificity of the security interest disclosure for model form G–7.

Subpart C—Closed-End Credit

Section 226.18 Content of Disclosures

Section 18(i) Demand Feature

Comment 18(i)–2 is revised to address how the rule in the Board's Regulation O (and other comparable federal financial regulatory agency rules) relates to the disclosure rules for demand features in closed-end credit transactions. It parallels the treatment of such features in open-end credit. The revised comment provides that if an institution retains the ability to demand payment of a loan in its closed-end credit agreement with its executive officers to the extent required by federal law, the institution need not provide demand disclosures. Of course, if an institution has a demand feature in its closed-end agreement with its executive officers that is broader than that required by federal law, such a feature would have to be disclosed under § 226.18(i).

Section 226.19 Certain Residential Mortgage and Variable-Rate Transactions

Section 19(b) Certain Variable-Rate Transactions

Paragraph (19)(b)(2)(xi).

Demand features must be disclosed in variable rate mortgages covered by § 226.19(b). Since disclosure of a demand feature for variable-rate mortgages is determined by reference to § 226.18(i), a cross-reference is added to comment 19(b)(2)(xi)–1 dealing with demand features.

Appendix H Closed-End Model Forms and Clauses

Comment 11 to Appendix H is revised to add a cross reference to comment 226.2(a)(25) regarding the specificity of the security interest disclosure for model form H–9.

List of Subjects in 12 CFR Part 226

Advertising, Reporting and recordkeeping requirements, Truth in Lending.

Text of Revisions

For the reasons set forth in the preamble, the Board is amending the official staff commentary to 12 CFR part 226, Supplement I as follows:

PART 226—[AMENDED]

1. The authority citation for part 226 is revised to read as follows:

Authority: 12 U.S.C. 3806, 15 U.S.C. 1604 and 1637(c)(5); sec. 1204(c).

Supplement I to Part 226—[Amended]

2. In Supplement I to part 226, under the heading *"2(a) Definitions,"* comment 2(a)(25)–6 is amended by adding five new sentences at the end to read as follows:

2(a)(25) Security interest.

* * * * *

6. *Specificity of disclosure.* * * * In disclosing the fact that the transaction is secured by the collateral, the creditor also need not disclose how the security interest arose. For example, in a closed-end credit transaction, a rescission notice need not specifically state that a new security interest is "acquired" or an existing security interest is "retained" in the transaction.

The acquisition or retention of a security interest in the consumer's principal dwelling instead may be disclosed in a rescission notice with a general statement such as the following: "Your home is the security for the new transaction." A statement such as this may be used, for example, instead of the second sentence in model form H–9 and could apply both to a refinancing in which a new security interest is taken by the original creditor to replace a preexisting security interest and one in which an existing security interest is maintained. Of course, because model form H–9 adequately discloses the fact that the home is security for the transaction, it may be used without modification in both a refinancing in which a new security interest is taken by the original creditor to replace a preexisting security interest and one in which an existing security interest is retained by that creditor.

* * * * *

3. In Supplement I to part 226, under the heading *"5b(d) Content of Disclosures"*, comment 5b(d)(4)(iii)–1 is amended by revising the fourth sentence and adding a sentence after the fourth sentence to read as follows:

Paragraph 5b(d)(4)(iii).

1. *Disclosure of conditions.* * * * As an alternative to disclosing the conditions in this manner, the creditor may simply describe the conditions using the language in §§ 226.5b(f)(2)(i)–(iii), 226.5b(f)(3)(i) (regarding freezing the line when the maximum annual percentage rate is reached), and 226.5b(f)(3)(vi) or language that is substantially similar. The condition contained in § 226.5b(f)(2)(iv) need not be stated. * * *

* * * * *

4. In Supplement I to part 226, under the heading *"5b(f) Limitations on Home Equity Plans"*, comment 5b(f)(2)–1 is amended by revising the second sentence to read as follows:

Paragraph 5b(f)(2).

1. *Limitations on termination and acceleration.* * * * However, creditors may take these actions in the four circumstances specified in § 226.5b(f)(2). * * *

* * * * *

5. In Supplement I to part 226, under the heading *"6(e) Home Equity Plan Information"*, comment 6(e)–1 is amended by adding a parenthetical at the end to read as follows (and the last sentence is reprinted for the convenience of the reader):

1. *Additional disclosures required.* * * * Creditors also must disclose a list of the conditions that permit the creditor to terminate the plan, freeze or reduce the credit limit, and implement specified modifications to the original terms. (See comment 5b(d)(4)(iii)–1.)

* * * * *

6. In Supplement I to part 226, under the heading *"18(i) Demand feature,"* comment 18(i)–2 is amended by adding a new sentence at the end to read as follows:

2. *Covered demand features.* * * * A creditor may, but need not, treat its contractual right to demand payment of a loan made to its executive officers as a demand feature to the extent that the contractual right is required by Regulation O (12 CFR 215.5) or other federal law.

* * * * *

7. In Supplement I to part 226, under the heading *"19(b) Certain variable-rate transactions,"* comment 19(b)(2)(xi)–1 is amended by revising the first sentence to read as follows:

Paragraph 19(b)(2)(xi).

1. *Demand feature.* If a variable-rate loan subject to § 226.19(b) requirements contains

a demand feature as discussed in the commentary to § 226.18(i), this fact must be disclosed. * * *

* * * * *

8. In Supplement I to part 226, under the heading *"Appendix G—Open-end model forms and clauses,"* comment 4 to Appendix G is amended by adding a new sentence at the end to read as follows:

4. *Models G–5 through G–9.* * * * See the commentary to section 226.2(a)(25) regarding the specificity of the security interest disclosure for model form G–7.

* * * * *

9. In Supplement I to part 226, under the heading *"Appendix H—Closed-end model forms and clauses,"* comment 11 to Appendix H is amended by adding a new sentence at the end to read as follows:

11. *Models H–8 through H–9.* * * * See the commentary to section 226.2(a)(25) regarding the specificity of the security interest disclosure for model form H–9.

* * * * *

Board of Governors of the Federal Reserve System, March 26, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–7646 Filed 3–31–93; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 91N–0134]

Certain Misbranding Sections of the Federal Food, Drug, and Cosmetic Act That Are, and That Are Not, Adequately Being Implemented by Regulation; Notice of Final Lists; 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 6, 1993 (58 FR 2470). The document provided final lists delineating which of six sections of the Federal Food, Drug, and Cosmetic Act (the act) that define circumstances in which a food is misbranded are adequately being implemented by FDA regulations and which are not. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: February 5, 1993.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFS–151), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4561.

In FR Doc. 92–31510, appearing on page 2470 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2470, in the first column, under the caption **"FOR FURTHER INFORMATION CONTACT:"**, in line 5, the telephone number "202–205–5162" is corrected to read "202–205–4561".

2. On page 2472, in the second column, in the second full paragraph, beginning in the fifth line from the bottom, the phrase "in this area suggested" is corrected to read "in this area and suggested".

3. On page 2474, in the second column, in the second full paragraph, beginning in line 6, the phrase "defined producing locality The" is corrected to read "defined producing locality. The"; and in line 11, the phrase "is not necessary Again" is corrected to read "is not necessary. Again".

4. On page 2475, in the third column, in line 12, the word "act" is corrected to read "set"; and in the second full paragraph, in the ninth line from the bottom, the word "proposed" is corrected to read "final".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7239 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 1 and 101

[Docket No. 90N–0165]

RIN 0905–AD08

Food Labeling; Serving Sizes; Technical Amendment and Corrections

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment and corrections.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations concerning general provision of regulations promulgated under the Federal Food, Drug, and Cosmetic Act (the act) and related to serving sizes to correct a reference. The agency is also correcting its final rule on serving size that appeared in the **Federal Register** of Wednesday, January 6, 1993 (58 FR 2229). The document amended the nutrition labeling regulations concerning serving sizes. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors. This action is being taken to improve the clarity and accuracy of the regulations.

EFFECTIVE DATE: May 8, 1994.

FOR FURTHER INFORMATION CONTACT: Youngmee K. Park, Center for Food Safety and Applied Nutrition (HFS–465), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5489.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 6, 1993 (58 FR 2229), FDA published a final rule that amended the nutrition labeling regulations concerning serving sizes. FDA has discovered that it inadvertently failed to amend § 1.1, relevant to serving sizes. The agency is amending the reference to § 101.8 in § 1.1(c) because § 101.8 is now adopted pursuant to both the act and the Fair Packaging and Labeling Act. Thus, such a reference would be in error. Further, the agency discovered numerous typographical and editorial errors. Accordingly, this document amends § 1.1(c) and corrects the typographical and editorial errors. Publication of the amendment to § 1.1(c) constitutes final action on this change under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely making a nonsubstantive change to the regulations.

The Technical Amendment

List of Subjects in 21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 1 is amended as follows:

PART 1—GENERAL ENFORCEMENT REGULATIONS

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

Authority: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 403, 502, 505, 512, 602, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 343, 352, 355, 360b, 362, 371); sec. 215 of the Public Health Service Act (42 U.S.C. 216).

§ 1.1 [Amended]

2. Section 1.1 *General* is amended in paragraph (c) by removing "§§ 101.8 and 501.8"and adding in its place "§ 501.8".

The Corrections

In FR Doc. 92–31503, appearing on page 2229 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

3. On page 2229, in the first column, under the caption **"SUMMARY:"**,

beginning in the fifth line from the bottom, "or" is removed and a comma is added in its place and ",1 oz, or 1 fl oz" is added after "(mL)".

4. On page 2233, in the first column, in the second full paragraph, in the eighth line from the bottom, "1.7" is corrected to read "2.2"; in the second column, in line 2, "(or mL)" is added after "100 g"; and in the third column, in the first full paragraph, in line 11, "nutritioal" is corrected to read "nutritional".

5. On page 2239, in the third column, in line 19, "(56 g 1-inch slice)" is corrected to read "(56 g/——inch slice)".

6. On page 2241, in the first column, in the second full paragraph, in the fifth line from the bottom, "(Ref. 47)" is added after the word "herbs"; and in the second column, in the second full paragraph, beginning in line 14, "Division of Nutrition (HFF–260)" is corrected to read "Office of Food Labeling (HFS–150)".

7. On page 2242, in the second column, the fifth full paragraph "(3)" is removed and the sixth full paragraph "(4)", is redesignated as paragraph "(3)"; and in the third column, in line 1, "Division of Nutrition (HFF–260)" is corrected to read "Office of Food Labeling (HFS–150)".

8. On page 2244, in the third column, in the fourth full paragraph, beginning in line 1, the phrase "in section III.D.1. of this document, concerning the presentation" is corrected to read "in section III.D.2. of this document, concerning the expression".

9. On page 2247, in the first column, in the second full paragraph, in the last line, and in the third full paragraph, in the third line from the bottom, the phrase "or any of these combined" is added after the word "vegetables".

10. On page 2248, in the second column, above comment "59." a subheading is added to read as follows: "*(8a) Bakery products: coffee cakes, doughnuts, Danish, sweet rolls, sweet quick type breads; muffins, hushpuppies, cornbread*"; and in the third column, in the third full paragraph, in the third line from the bottom, "snacker" is corrected to read "snack".

11. On page 2249, in the first column, in the first full paragraph, in line 12, "(Ref. 41)" is added after "0.5 oz"; and in the second column, in the first full paragraph, in line 12, the word "not" is corrected to read "no".

12. On page 2250, in the third column, in the first full paragraph, in the 10th line from the bottom, the words "coffee and" are added before the word "tea".

13. On page 2254, in the first column, in line 9, the word "noodles" is added after the word "lasagna".

14. On page 2256, in the first column, in line 7, "88" is corrected to read "90"; and in the third column, in the sixth full paragraph, in the third line from the bottom, "(Ref. 44)." is corrected to read "(Ref. 45)."

15. On page 2258, in the first column, in the third paragraph, in line 18, "cutomarily" is corrected to read "customarily"; and in the same paragraph, beginning in the second line from the bottom, "and for fish salad" is removed.

16. On page 2259, in the third column, in the third full paragraph, in line 3, the phrase "and refried beans;" is added after the word "liquid" and in line 4, the following sentence is added after the word "others.": "Refried beans are grouped with beans in sauce or canned in liquid because gram weight equivalents of the 1/2-cup measure are similar for these beans (Ref. 55)."

17. On page 2262, in the first column, beginning in line 1, the phrase "groups. For example, dry spanish rice mix contains rice and tomato" is corrected to read "groups, e.g., rice and vegetables or cheese".

18. On page 2264, in the first column, in the second full paragraph, in line 8, the word "hearing" is corrected to read "heating"; in the second column, in the second full paragraph, in line 8, the phrase "68 percent reported by USDA (Ref. 18)" is corrected to read "68 and 88 percent reported by USDA for canned potatoes and vacuum pack sweet potatoes, respectively (Ref. 18)"; and in the same paragraph, beginning in the second line from the bottom, the phrase "125 g for vacuum packed;" is added after the word "frozen;".

19. On page 2265, in the second column, in the second full paragraph, in line 1, "1/" is removed, and in line 2, the phrase "4-cup reference amount seems large" is corrected to read "1/4-cup reference amount seems large for cocktail sauce".

20. On page 2267, in the second column, in the fourth full paragraph, in the fourth line from the bottom, "was repeated" is corrected to read "was repeated is needed."

21. On page 2268, in the second column, in the first full paragraph, in the last line, "(Ref. 57)" is corrected to read "(Ref. 59)".

22. On page 2271, in the third column, in the second full paragraph, in the last line, the phrase ", except for cheese cakes as discussed in section III.D.5. of this document" is added after the word "cakes".

23. On page 2274, in the first column, in the first full paragraph, in the second line from the bottom, "1 cup (240 mL)" is corrected to read "8 fl oz (240 mL)"; and in the second column, in the third full paragraph, in line 3, the word "items" is added after the word "other".

24. On page 2277, in the first column, in the first full paragraph, in line 13, "1/16, 1/18, 1/20, 1/24, 1/32, 1/36, etc" is corrected to read "1/15, 1/16, 1/18, 1/20, 1/24, 1/27, 1/30, 1/32, 1/36, etc".

25. On page 2278, in the second column, in the first paragraph, beginning in line 14, "Division of Nutrition (HFF–260)" is corrected to read "the Office of Food Labeling (HFS–150)".

26. On page 2284, in the second column, in the first full paragraph, in line 4, the word "package" is corrected to read "packaged".

27. On page 2285, in the first column, in the last paragraph, in line 11, "footnote 6" is corrected to read "footnote 11".

28. On page 2286, in the first column, in the first paragraph, beginning in the second line from the bottom, the phrase "which are used interchangeably" is corrected to read "that are consumed in similar quantities and used interchangeably".

29. On page 2287, in the second column, in the first full paragraph, beginning in the third line from the bottom, "Recommended Daily Intake" is corrected to read "Daily Reference Value".

30. On page 2288, in the second column, in line 5, the word "amount" is corrected to read "amounts".

§ 101.9 [Corrected]

31. On page 2292, in § 101.9 *Nutrition labeling of food*, in the second column, in paragraph (b)(5)(iv), in the second line from the bottom, "1 fluid ounce (fl oz)" is corrected to read "1 fl oz"; and in the third column, in paragraph (b)(7), in the fourth line from the bottom, "Division of Nutrition (HFF–260)" is corrected to read "the Office of Food Labeling (HFS–150)".

§ 101.12 [Corrected]

32. On page 2293, in § 101.12 *Reference amounts customarily consumed per eating occasion*, in the third column, in paragraph (a)(4), in line 2, the word "mode" is corrected to read "modes".

33. On page 2294, in paragraph (b), in Table 1, in footnote 4, "Division of Nutrition (HFF–260)" is corrected to read "Office of Food Labeling (HFS–150)"; and Table 2 is corrected to read as follows:

TABLE 2

REFERENCE AMOUNTS CUSTOMARILY CONSUMED PER EATING OCCASION: GENERAL FOOD SUPPLY[1,2,3,4]

Product category	Reference amount	Label statement[5]
BAKERY PRODUCTS:		
Biscuits, croissants, bagels, tortillas, soft bread sticks, soft pretzels, corn bread, hush puppies.	55 g	——— piece(s) (——— g)
Breads (excluding sweet quick type), rolls	50 g	——— piece(s) (——— g) for sliced bread and distinct pieces (e.g., rolls); 2 oz (56 g/——— inch slice) for unsliced bread
Bread sticks—see crackers		
Toaster pastries—see coffee cakes		
Brownies	40 g	——— piece(s) (——— g) for distinct pieces; fractional slice (——— g) for bulk
Cakes, heavy weight (cheese cake; pineapple upside-down cake; fruit, nut, and vegetable cakes with more than or equal to 35 percent of the finished weight as fruit, nuts, or vegetables or any of these combined)[6].	125 g	——— piece(s) (——— g) for distinct pieces (e.g., sliced or individually packaged products); ——— fractional slice (——— g) for large discrete units
Cakes, medium weight (chemically leavened cake with or without icing or filling except those classified as light weight cake; fruit, nut, and vegetable cake with less than 35 percent of the finished weight as fruit, nuts, or vegetables or any of these combined; light weight cake with icing; Boston cream pie; cupcake; eclair; cream puff)[7].	80 g	——— piece(s) (——— g) for distinct pieces (e.g., cupcake); ——— fractional slice (——— g) for large discrete units
Cakes, light weight (angel food, chiffon, or sponge cake without icing or filling)[8].	55 g	——— piece(s) (——— g) for distinct pieces (e.g., sliced or individually packaged products); ——— fractional slice (——— g) for large discrete units
Coffee cakes, crumb cakes, doughnuts, Danish, sweet rolls, sweet quick type breads, muffins, toaster pastries.	55 g	——— piece(s) (——— g) for sliced bread and distinct pieces (e.g., doughnut); 2 oz (56 g/visual unit of measure) for bulk products (e.g., unsliced bread)
Cookies	30 g	——— piece(s) (——— g)
Crackers that are usually not used as snack, melba toast, hard bread sticks, ice cream cones[9].	15 g	——— piece(s) (——— g)
Crackers that are usually used as snacks	30 g	——— piece(s) (——— g)
Croutons	7 g	——— tbsp(s) (——— g) or ——— cup(s) (——— g); ——— piece(s) (——— g) for large pieces
French toast, pancakes, variety mixes	110 g prepared for french toast and pancakes; 40 g dry mix for variety mixes.	——— piece(s) (——— g); ——— cup(s) (——— g) for dry mix
Grain-based bars with or without filling or coating, e.g., breakfast bars, granola bars, rice cereal bars.	40 g	——— piece(s) (——— g)
Ice cream cones—see crackers		
Pies, cobblers, fruit crisps, turnovers, other pastries	125 g	——— piece(s) (———g) for distinct pieces; ——— fractional slice (——— g) for large discrete units
Pie crust	1/6 of 8 inch crust; 1/8 of 9 inch crust	1/6 of 8 inch crust (——— g); 1/8 of 9 inch crust (——— g)
Pizza crust	55 g	——— fractional slice (——— g)
Taco shells, hard	30 g	——— shell(s) (——— g)
Waffles	85 g	——— piece(s) (——— g)
BEVERAGES:		
Carbonated and noncarbonated beverages, wine coolers, water.	240 mL	8 fl oz (240 mL)
Coffee or tea, flavored and sweetened	240 mL prepared	8 fl oz (240 mL)
CEREALS AND OTHER GRAIN PRODUCTS:		
Breakfast cereals (hot cereal type), hominy grits	1 cup prepared; 40 g plain dry cereal; 55 g flavored, sweetened dry cereal.	——— cup(s) (——— g)
Breakfast cereals, ready-to-eat, weighing less than 20 g per cup, e.g., plain puffed cereal grains.	15 g	——— cup(s) (——— g)
Breakfast cereals, ready-to-eat weighing 20 g or more but less than 43 g per cup; high fiber cereals containing 28 g or more of fiber per 100 g.	30 g	——— cup(s) (——— g)
Breakfast cereals, ready-to-eat, weighing 43 g or more per cup; biscuit types.	55 g	——— piece(s) (——— g) for large distinct pieces (e.g., biscuit type);——— cup(s) (——— g) for all others
Bran or wheat germ	15 g	——— tbsp(s) (——— g) or ——— cup(s) (——— g)
Flours or cornmeal	30 g	——— tbsp(s) (——— g) or ——— cup(s) (——— g)
Grains, e.g., rice, barley, plain	140 g prepared; 45 g dry	——— cup(s) (——— g)
Pastas, plain	140 g prepared; 55 g dry	——— cup(s) (——— g); ——— piece(s) (——— g) for large pieces (e.g., large shell) or 2 oz (56 g/visual unit of measure) for dry bulk products (e.g., lasagna or spaghetti noodles)
Pastas, dry, ready-to-eat, e.g., fried canned chow mein noodles.	25 g	——— cup(s) (——— g)
Starches, e.g., cornstarch, potato starch, tapioca, etc.	10 g	1 tbsp (8 g) for cornstarch; 1 tbsp (10 g) for tapioca; 1 tbsp (——— g) for others
Stuffing	100 g	——— cup(s) (——— g)
DAIRY PRODUCTS AND SUBSTITUTES:		
Cheese, cottage	110 g	1/2 cup (105 g) for small curd; 1/2 cup (113 g) for large curd, low fat, or with fruit added; 1/2 cup (——— g) for others
Cheese used primarily as ingredients, e.g., dry cottage cheese, ricotta cheese.	55 g	1/3 cup (48 g) for dry curd cottage cheese; 1/4 cup (62 g) for ricotta cheese
Cheese, grated hard, e.g., Parmesan, Romano	5 g	1 tbsp (5 g)

TABLE 2—Continued

REFERENCE AMOUNTS CUSTOMARILY CONSUMED PER EATING OCCASION: GENERAL FOOD SUPPLY[1,2,3,4]

Product category	Reference amount	Label statement[5]
Cheese, all others except those listed as separate categories—includes cream cheese and cheese spread.	30 g	——— piece(s) (——— g) for distinct pieces; ——— tbsp(s) (——— g) for cream cheese and cheese spread; 1 oz (28 g/visual unit of measure) for bulk
Cheese sauce—see sauce category		
Cream or cream substitutes, fluid	15 mL	1 tbsp (15 mL)
Cream or cream substitutes, powder	2 g	1 tsp (2 g)
Cream, half & half	30 mL	2 tbsp (30 mL)
Eggnog	120 mL	1/2 cup (120 mL) or 4 fl oz (120 mL)
Milk, condensed, undiluted	30 mL	2 tbsp (30 mL)
Milk, evaporated, undiluted	30 mL	2 tbsp (30 mL)
Milk, milk-based drinks, e.g., instant breakfast, meal replacement, cocoa.	240 mL	1 cup (240 mL) or 8 fl oz (240 mL)
Shakes or shake substitutes, e.g., dairy shake mixes, fruit frost mixes.	240 mL	1 cup (240 mL) or 8 fl oz (240 mL)
Sour cream	30 g	2 tbsp (30 g)
Yogurt	225 g	1 cup (——— g)
DESSERTS:		
Ice cream, ice milk, frozen yogurt, sherbet: all types, bulk and novelties (e.g., bars, sandwiches, cones).	1/2 cup-includes the volume for coatings and wafers for the novelty type varieties.	——— piece(s) (——— g) for individually wrapped or packaged products; 1/2 cup (——— g) for others
Frozen flavored and sweetened ice and pops, frozen fruit juices: all types, bulk and novelties (e.g., bars, cups).	85 g	——— piece(s) (——— g) for individually wrapped or packaged products; ——— cup(s) (——— g) for others
Sundae	1 cup	1 cup (——— g)
Custards, gelatin or pudding	1/2 cup	——— piece(s) (——— g) for distinct unit (e.g., individually packaged products); 1/2 cup (——— g) for bulk
DESSERT TOPPINGS AND FILLINGS:		
Cake frostings or icings	35 g	——— tbsp(s) (——— g)
Other dessert toppings, e.g., fruits, syrups, spreads, marshmallow cream, nuts, dairy and nondairy whipped toppings.	2 tbsp	2 tbsp (——— g)
Pie fillings	85 g	——— cup(s) (——— g)
EGG AND EGG SUBSTITUTES:		
Egg mixtures, e.g., egg foo young, scrambled eggs, omelets.	110 g	——— piece(s) (——— g) for discrete pieces; ——— cup(s) (——— g)
Eggs (all sizes)[9]	50 g	1 large, medium, etc. (——— g)
Egg substitutes	An amount to make 1 large (50 g) egg	——— cup(s) (——— g)
FATS AND OILS:		
Butter, margarine, oil, shortening	1 tbsp	1 tbsp (14 g) for butter, margarine, or oil; 1 tbsp (9 g) for whipped butter or margarine; 1 tbsp (13 g) for shortening
Butter replacement, powder	2 g	——— tsp(s) (——— g)
Dressings for salads	30 g	2 tbsp (——— g)
Mayonnaise, sandwich spreads, mayonnaise-type dressings.	15 g	1 tbsp (14 g) for mayonnaise; 1 tbsp (15 g) for imitation mayonnaise, mayonnaise-type dressings or sandwich spread
Spray types	0.25 g	About ——— seconds spray (——— g)
FISH, SHELLFISH, GAME MEATS[10], AND MEAT OR POULTRY SUBSTITUTES:.		
Bacon substitutes, canned anchovies,[11] anchovy pastes, caviar.	15 g	——— piece(s) (——— g) for discrete pieces; ——— tbsp(s) (——— g) for others
Dried, e.g., jerky	30 g	——— piece(s) (——— g)
Entrees with sauce, e.g., fish with cream sauce, shrimp with lobster sauce.	140 g cooked	——— cup(s) (——— g); 5 oz (140 g/visual unit of measure) if not measurable by cup
Entrees without sauce, e.g., plain or fried fish and shellfish, fish and shellfish cake.	85 g cooked; 110 g uncooked[12]	——— piece(s) (——— g) for discrete pieces; ——— cup(s) (——— g); ——— oz (——— g/visual unit of measure) if not measurable by cup[13]
Fish, shellfish or game meat[10], canned[11]	55 g	——— piece(s) (——— g) for discrete pieces; ——— cup(s) (——— g); 2 oz (56 g/——— cup) for products that are difficult to measure the g weight of cup measure (e.g., tuna); 2 oz (56 g/——— pieces) for products that naturally vary in size (e.g., sardines)
Substitute for luncheon meat, meat spreads, Canadian bacon, sausages and frankfurters.	55 g	——— piece(s) (——— g) for distinct pieces (e.g., slices, links); ——— cup(s) (——— g); 2 oz (56 g/visual unit of measure) for nondiscrete bulk product
Smoked or pickled[11] fish, shellfish, or game meat[10]; fish or shellfish spread.	55 g	——— piece(s) (——— g) for distinct pieces (e.g., slices, links) or ——— cup(s) (——— g); 2 oz (56 g/visual unit of measure) for nondiscrete bulk product
Substitutes for bacon bits—see miscellaneous category.		
FRUITS AND FRUIT JUICES:.		
Candied or pickled[11]	30 g	——— piece(s) (——— g)
Dehydrated fruits—see snacks category		
Dried	40 g	——— piece(s) (——— g) for large pieces (e.g., dates, figs, prunes); ——— cup(s) (——— g) for small pieces (e.g., raisins)
Fruits for garnish or flavor, e.g., maraschino cherries[11].	4 g	1 cherry (——— g)

TABLE 2—Continued

REFERENCE AMOUNTS CUSTOMARILY CONSUMED PER EATING OCCASION: GENERAL FOOD SUPPLY[1,2,3,4]

Product category	Reference amount	Label statement[5]
Fruit relishes, e.g., cranberry sauce, cranberry relish	70 g	——— cup(s) (——— g)
Fruits used primarily as ingredients, avocado	30 g	See footnote 13
Fruits used primarily as ingredients, others (cranberries, lemon, lime).	55 g	——— piece(s) (——— g) for large fruits; ——— cup(s) (——— g) for small fruits measurable by cup[13]
Watermelon	280 g	See footnote 13
All other fruits (except those listed as separate categories), fresh, canned, or frozen.	140 g	——— piece(s) (——— g) for large pieces (e.g., strawberries, prunes, apricots, etc.); ——— cup(s) (——— g) for small pieces (e.g., blueberries, raspberries, etc.)[13]
Juices, nectars, fruit drinks	240 mL	8 fl oz (240 mL)
Juices used as ingredients, e.g., lemon juice, lime juice.	5 mL	1 tsp (5 mL)
LEGUMES:		
Bean cake (tofu)[11], tempeh	85 g	——— piece(s) (——— g) for discrete pieces; 3 oz (84 g/visual unit of measure) for bulk products
Beans, plain or in sauce	130 g for beans in sauce or canned in liquid and refried beans; 90 g for others.	1/2 cup (——— g)
MISCELLANEOUS CATEGORY:		
Baking powder, baking soda, pectin	1 g	1/4 tsp (——— g)
Baking decorations, e.g., colored sugars and sprinkles for cookies, cake decorations.	1/4 tsp or 4 g if not measurable by teaspoon	——— piece(s) (——— g) for discrete pieces;1/4 tsp (——— g)
Batter mixes, bread crumbs	30 g	——— tbsp(s) (——— g) or——— cup(s) (——— g)
Cooking wine	30 mL	2 tbsp (30 mL)
Drink mixers (without alcohol)	Amount to make 240 mL drink (without ice)	——— fl oz (——— mL)
Chewing gum[9]	3 g	——— piece(s) (——— g)
Meat, poultry and fish coating mixes, dry; seasoning mixes, dry, e.g., chili seasoning mixes, pasta salad seasoning mixes.	Amount to make one reference amount of final dish	——— tsp(s) (——— g) or ——— tbsp(s) (——— g)
Salad and potato toppers, e.g., salad crunchies, salad crispins, substitutes for bacon bits.	7 g	——— tbsp(s) (——— g)
Salt, salt substitutes, seasoning salts (e.g., garlic salt)	1 g	——— tsp(s) (——— g);——— piece(s) (——— g) for discrete pieces (e.g., individually packaged products)
Spices, herbs (other than dietary supplements)	1/4 tsp or 0.5 g if not measurable by teaspoon	1/4 tsp (——— g); ——— piece(s) (——— g) if not measurable by teaspoons (e.g., bay leaf)
MIXED DISHES:		
Measurable with cup, e.g., casseroles, hash, macaroni and cheese, pot pies, spaghetti with sauce, stews, etc..	1 cup	1 cup (——— g)
Not measurable with cup, e.g., burritos, egg rolls, enchiladas, pizza, pizza rolls, quiche, all types of sandwiches.	140 g, add 55 g for products with gravy or sauce topping, e.g., enchilada with cheese sauce, crepe with white sauce[14].	——— piece(s) (——— g) for discrete pieces; ——— fractional slice (——— g) for large discrete units
NUTS AND SEEDS:		
Nuts, seeds, and mixtures, all types: sliced, chopped, slivered, and whole.	30 g	——— piece(s) (——— g) for large pieces (e.g., unshelled nuts);——— tbsp(s) (——— g) or——— cup(s) (——— g) for small pieces (e.g., peanuts, sunflower seeds)
Nut and seed butters, pastes, or creams	2 tbsp	2 tbsp (——— g)
Coconut, nut and seed flours	15 g	——— tbsp(s) (——— g); ——— cup (——— g)
POTATOES AND SWEET POTATOES/YAMS:		
French fries, hash browns, skins, or pancakes	70 g prepared; 85 g for frozen unprepared french fries.	——— piece(s) (——— g) for large distinct pieces (e.g., patties, skins); 2.5 oz (70 g/——— pieces) for prepared fries; 3 oz (84 g/——— pieces) for unprepared fries
Mashed, candied, stuffed, or with sauce	140 g	——— piece(s) (——— g) for discrete pieces (e.g., stuffed potato); ——— cup(s) (——— g)
Plain, fresh, canned, or frozen	110 g for fresh or frozen; 125 g for vacuum packed; 160 g for canned in liquid.	——— piece(s) (——— g) for discrete pieces;——— cup(s) (——— g) for sliced or chopped products
SALADS:		
Gelatin salad	120 g	1/2 cup (120 g)
Pasta or potato salad	140 g	——— cup(s) (——— g)
All other salads, e.g., egg, fish, shellfish, bean, fruit, or vegetable salads.	100 g	——— cup(s) (——— g)
SAUCES, DIPS, GRAVIES AND CONDIMENTS:		
Barbecue sauce, hollandaise sauce, tartar sauce, other sauces for dipping (e.g., mustard sauce, sweet and sour sauce), all dips (e.g., bean dips, dairy-based dips, salsa).	2 tbsp	2 tbsp (——— g)
Major main entree sauces, e.g., spaghetti sauce	125 g	1/2 cup (——— g)
Minor main entree sauces (e.g., pizza sauce, pesto sauce), other sauces used as toppings (e.g., gravy, white sauce, cheese sauce), cocktail sauce.	1/4 cup	1/4 cup (——— g)
Major condiments, e.g., catsup, steak sauce, soy sauce, vinegar, teriyaki sauce, marinades.	1 tbsp	1 tbsp (——— g)
Minor condiments, e.g., horseradish, hot sauces, mustards, worcestershire sauce.	1 tsp	1 tsp (——— g)
SNACKS:		

TABLE 2—Continued

REFERENCE AMOUNTS CUSTOMARILY CONSUMED PER EATING OCCASION: GENERAL FOOD SUPPLY[1,2,3,4]

Product category	Reference amount	Label statement[5]
All varieties, chips, pretzels, popcorns, extruded snacks, fruit- based snacks (e.g., fruit chips,) grain-based snack mixes.	30 g	——— cup(s) (——— g) for small pieces (e.g., popcorn) ——— piece(s) (——— g) for large pieces (e.g., large pretzels; pressed dried fruit sheet); 1 oz (28 g/visual unit of measure) for bulk products (e.g., potato chips)
SOUPS:		
All varieties	245 g	1 cup (——— g)
SUGARS AND SWEETS:		
Baking candies (e.g., chips)	15 g	——— piece(s) (——— g) for large pieces; ——— tbsp(s) (——— g) for small pieces; 1/2 oz (14 g/visual unit of measure) for bulk products
Hard candies, breath mints	2 g	——— piece(s) (——— g)
Hard candies, roll-type, mini-size in dispenser packages.	5 g	——— piece(s) (——— g)
Hard candies, others	15 g	——— piece(s) (——— g) for large pieces;——— tbsp(s) (——— g) for "mini-size" candies measurable by tablespoon; 1/2 oz (14 g/visual unit of measure) for bulk products
All other candies	40 g	——— piece(s) (——— g); 1 1/2 oz (42 g/visual unit of measure) for bulk products
Confectioner's sugar	30 g	1/4 cup (30 g)
Honey, jams, jellies, fruit butter, molasses	1 tbsp	1 tbsp (——— g)
Marshmallows	30 g	——— cup(s) (——— g) for small pieces or ——— piece(s) (——— g) for large pieces
Sugar	4 g	1 tsp (——— g); ——— piece(s) (——— g) for discrete pieces (e.g., sugar cubes, individually packaged products)
Sugar substitutes	An amount equivalent to one reference amount for sugar in sweetness.	——— tsp(s) (——— g) for solids; ——— drop(s) (——— g) for liquid; ——— piece(s) (——— g) (e.g., individually packaged products)
Syrups	30 mL for syrups used primarily as an ingredient (e.g., light or dark corn syrup); 60 mL for all others.	2 tbsp (30 mL) for syrups used primarily as an ingredient; 1/4 cup (60 mL) for all others
VEGETABLES:		
Vegetables primarily used for garnish or flavor, e.g., pimento, parsley.	4 g	——— piece(s) (——— g); ——— tbsp(s) (——— g) for chopped products
Chili pepper, green onion	30 g	——— piece(s) (——— g)[13]; ——— tbsp(s) (——— g) or ——— cup(s) (——— g) for sliced or chopped products
All other vegetables without sauce: fresh, canned, or frozen.	85 g for fresh or frozen; 95 g for vacuum packed; 130 g for canned in liquid, cream-style corn, canned or stewed tomatoes, pumpkin, or winter squash.	——— piece(s) (——— g) for large pieces (e.g., brussel sprouts); ——— cup(s) (——— g) for small pieces (e.g., cut corn, green peas); 3 oz (84 g/visual unit of measure) if not measurable by cup[13]
All other vegetables with sauce: fresh, canned, or frozen.	110 g	——— piece(s) (——— g) for large pieces (e.g., brussel sprouts); ——— cup(s) (——— g) for small pieces (e.g., cut corn, green peas); 4 oz (112 g/visual unit of measure) if not measurable by cup
Vegetable juice	240 mL	8 fl oz (240 mL)
Olives[11]	15 g	——— piece(s) (——— g); ——— tbsp(s) (——— g) for sliced products
Pickles, all types[11]	30 g	1 oz (28 g/visual unit of measure)
Pickle relishes	15 g	1 tbsp (15 g)
Vegetable pastes, e.g., tomato paste	30 g	2 tbsp (33 g) for tomato paste; 2 tbsp (——— g) for all others
Vegetable sauces or purees, e.g, tomato sauce, tomato puree.	60 g	1/4 cup (61 g) for tomato sauce; 1/4 cup (63 g) for tomato puree; 1/4 cup (——— g) for all others

[1] These values represent the amount (edible portion) of food customarily consumed per eating occasion and were primarily derived from the 1977–1978 and the 1987–1988 Nationwide Food Consumption Surveys conducted by the USDA.

[2] Unless otherwise noted in the Reference Amount column, the reference amounts are for the ready-to-serve or almost ready-to-serve form of the product (i.e., heat and serve, brown and serve). If not listed separately, the reference amount for the unprepared form (e.g., dry mixes; concentrates; dough; batter; dry, fresh, and frozen pasta) is the amount required to make one reference amount of the prepared form. Prepared means prepared for consumption (e.g., cooked).

[3] Manufacturers are required to convert the reference amount to the label serving size in a household measure most appropriate to their specific product using the procedures in 21 CFR 101.9(b).

[4] Copies of the list of products for each product category are available from the Office of Food Labeling (HFS–150), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

[5] The label statements are meant to provide guidance to manufacturers on the presentation of serving size information on the label, but they are not required. The term "piece" is used as a generic description of a discrete unit. Manufacturers should use the description of a unit that is most appropriate for the specific product (e.g., sandwich for sandwiches, cookie for cookies, and bar for ice cream bars). The guidance provided is for the label statement of products in ready-to-serve or almost ready-to-serve form. The guidance does not apply to the products which require further preparation for consumption (e.g., dry mixes, concentrates) unless specifically stated in the product category, reference amount, or label statement column that it is for these forms of the product. For products that require further preparation, manufacturers must determine the label statement following the rules in § 101.9(b) using the reference amount determined according to § 101.12(c).

[6] Includes cakes that weigh 10 g or more per cubic inch.

[7] Includes cakes that weigh 4 g or more per cubic inch but less than 10 g per cubic inch.

[8] Includes cakes that weigh less than 4 g per cubic inch.

[9] Label serving size for ice cream cones and eggs of all sizes will be one unit. Label serving size of all chewing gums that weigh more than the reference amount that can reasonably be consumed at a single-eating occasion will be one unit.

[10] Animal products not covered under the Federal Meat Inspection Act or the Poultry Products Inspection Act, such as flesh products from deer, bison, rabbit, quail, wild turkey, geese, ostrich, etc.

[11] If packed or canned in liquid, the reference amount is for the drained solids, except for products in which both the solids and liquids are customarily consumed (e.g., canned chopped clam in juice).

[12] The reference amount for the uncooked form does not apply to raw fish in § 101.45 or to single-ingredient products that consist of fish or game meat as provided for in § 101.9(b)(j)(11).

TABLE 2

REFERENCE AMOUNTS CUSTOMARILY CONSUMED PER EATING OCCASION: GENERAL FOOD SUPPLY[1,2,3,4]

Product category	Reference amount	Label statement[5]

[13] For raw fruit, vegetables, and fish, manufacturers should follow the label statement for the serving size specified in Appendices A and B to the regulation entitled "Food Labeling; Guidelines for Voluntary Nutrition Labeling; and Identification of the 20 Most Frequently Consumed Raw Fruits, Vegetables, and Fish; Definition of Substantial Compliance; Correction" (56 FR 60880 as amended 57 FR 8174, March 6, 1992).

[14] Pizza sauce is part of the pizza and is not considered to be sauce topping.

34. On page 2299, in in the third column, in line 8, of paragraph (h)(11)(i), the word "amount" is corrected to read "amounts."

Dated: March 29, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7638 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 5

Delegations of Authority and Organization

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the regulations to set forth the current organizational structure of the agency as well as the current addresses for headquarters and field offices.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Karen Kennard, Division of Management Systems and Policy (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: The regulations are being amended in 21 CFR 5.100 and 5.115 to reflect the current organizational structure of the agency and to provide current addresses for headquarters and field offices.

There were major changes in FDA's organizational structure in 1992. The Office of Regulatory Affairs was reorganized and one new office and four new divisions were established as follows: The Office of Criminal Investigations, the Division of Human Resource Development and the Division of Management Operations in the Office of Resource Management, the Division of Import Operations and Policy in the Office of Regional Operations, and the Division of Medical Products Quality Assurance in the Office of Enforcement.

The Center for Biologics Evaluation and Research was reorganized by establishing four new offices as follows: The Office of Blood Research and Review, consisting of four divisions; the Office of Therapeutics Research and Review, consisting of six divisions; the Office of Vaccines Research and Review, consisting of four divisions; and the Office of Establishment Licensing and Product Surveillance, consisting of four divisions. Three divisions were established within the Office of Compliance.

The Center for Drug Evaluation and Research established the Office of Over-the-Counter Drug Evaluation.

The Center for Food Safety and Applied Nutrition was reorganized and two deputy director level offices were established as follows: The Office of Programs, consisting of seven new offices; and the Office of Systems and Support, consisting of four new offices.

The Center for Veterinary Medicine reorganized its Office of Science by establishing the Division of Residue Chemistry and the Division of Animal Research.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.100 is revised to read as follows:

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

Office of the Commissioner [1]

Immediate Office

Office of the Administrative Law Judge.
Office of Equal Employment Opportunity and Civil Rights.
Office of Executive Operations.

Office of External Affairs

Office of Consumer Affairs.
Office of Health Affairs.
Office of Legislative Affairs.
Office of Public Affairs.
Office of Small Business, Scientific, and Trade Affairs.

Office of Management and Systems

Office of Management.
Office of Planning and Evaluation.

Office of Policy

Policy Development and Coordination Staff.
Policy Research Staff.
Regulations Policy and Management Staff.

Office of Science

Office of AIDS Coordination.
Office of Biotechnology.
Office of Orphan Products Development.

National Center for Toxicological Research [2]

Office of the Center Director

Office of Research

Division of Biochemical Toxicology.
Division of Comparative Toxicology.
Division of Genetic Toxicology.
Division of Reproductive and Developmental Toxicology.

Office of Research Services

Division of Chemistry.
Division of Microbiology.
Division of Veterinary Services.

Office of Management

Division of Facilities Engineering and Maintenance.
Division of Research Information and Management Services.

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[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20857.

[2] Mailing address: Jefferson, AR 72029–9502.

Office of Operations

Office of Regulatory Affairs[1]

Office of Resource Management

Division of Planning, Evaluation, and Management.
Division of Information Systems.
Division of Human Resource Development.
Division of Management Operations.

Office of Enforcement

Division of Compliance Management and Operations.
Division of Compliance Policy.
Division of Medical Products Quality Assurance.

Office of Regional Operations

Division of Federal-State Relations.
Division of Field Science.
Division of Field Investigations.
Division of Emergency and Epidemiological Operations.
Division of Import Operations and Policy.

Office of Criminal Investigations[3]

Northeast Area Office.[4]
Mid-Atlantic Area Office.[4]
Southeast Area Office[5]
Midwest Area Office.[4]
Southwest Area Office.[6]
Pacific Area Office.[7]

Center for Biologics Evaluation and Research[8]

Office of the Center Director

Office of Compliance

Division of Case Management.
Division of Inspection and Surveillance.
Division of Bioresearch Monitoring and Regulations.

Office of Management

Division of Scientific and Management Information Systems.
Division of Management and Budget.

Office of Blood Research and Review

Division of Transfusion Transmitted Diseases.
Division of Hematology.
Division of Blood Collection and Processing.
Division of Blood Establishment and Product Applications.

Office of Therapeutics Research and Review

Division of Cytokine Biology.
Division of Cellular and Gene Therapies.
Division of Hematologic Products.
Division of Monoclonal Antibodies.
Division of Clinical Trial Design and Analysis.
Division of Application Review and Policy.

Office of Vaccines Research and Review

Division of Allergenic Products and Parasitology.
Division of Bacterial Products.
Division of Viral Products.
Division of Vaccines and Related Products Applications.

Office of Establishment Licensing and Product Surveillance

Division of Product Quality Control.
Division of Veterinary Services.
Division of Biostatistics and Epidemiology.
Division of Establishment Licensing.

Center for Drug Evaluation and Research[1]

Office of the Center Director

Pilot Drug Evaluation Staff.

Office of Compliance

Division of Drug Labeling Compliance.
Division of Drug Quality Evaluation.
Division of Manufacturing and Product Quality.
Division of Regulatory Affairs.
Division of Scientific Investigations.

Office of Management

Division of Drug Information Resources.
Division of Information Systems Design.
Division of Management and Budget.
Medical Library.

Office of Drug Evaluation I

Division of Cardio-Renal Drug Products.
Division of Gastrointestinal and Coagulation Drug Products.
Division of Medical Imaging, Surgical, and Dental Drug Products.
Division of Neuropharmacological Drug Products.
Division of Oncology and Pulmonary Drug Products.

Office of Drug Evaluation II

Division of Anti-Infective Drug Products.
Division of Anti-Viral Drug Products.
Division of Metabolism and Endocrine Drug Products.

Office of Drug Standards

Division of Drug Marketing, Advertising, and Communications.

Office of Epidemiology and Biostatistics

Division of Biometrics.
Division of Epidemiology and Surveillance.

Office of Generic Drugs[9]

Division of Bioequivalence.
Division of Chemistry I.
Division of Chemistry II.

Office of Over-the-Counter Drug Evaluation

Medical Review Staff.
Monograph Review Staff.
OTC Drug Policy Staff.

Office of Research Resources

Division of Biopharmaceutics.
Division of Clinical Pharmacology.
Division of Drug Analysis.
Division of Research and Testing.

Center for Devices and Radiological Health[1]

Office of the Center Director

Office of Health Affairs[10]
Office of Health Physics
Office of Standards and Regulations
Office of Information Systems
Division of Computer Services.
Division of Information Resources.

Office of Management Services

Division of Planning, Evaluation, and Information Services.
Division of Resource Management.

Office of Compliance and Surveillance[10]

Division of Compliance Operations.
Division of Compliance Programs.
Division of Management Information.
Division of Product Surveillance.
Division of Standards Enforcement.

Office of Device Evaluation.[10]

Division of Cardiovascular, Respiratory, and Neurological Devices.
Division of Clinical Laboratory Devices.
Division of General and Restorative Devices.
Division of Ophthalmic Devices.
Division of Reproductive; Abdominal; Ear, Nose, and Throat; and Radiological Devices.

Office of Science and Technology[11]

Division of Biometric Sciences.
Division of Electronics and Computer Sciences.
Division of Life Sciences.
Division of Management, Information, and Support Services.
Division of Mechanics and Materials Science.
Division of Physical Sciences.

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[3] Mailing address: 7500 Standish Pl., rm. 250N, Rockville, MD 20855.

[4] Will be operational in 1993.

[5] Mailing address: 8525 NW. 53d Terrace, suite 204, Miami, FL 33166.

[6] Mailing address: 10901 West 84th Terrace, suite 201, Lenexa, KS 66214–3338.

[7] Mailing address: 4365 Executive Dr., suite 230, San Diego, CA 92122.

[8] Mailing address: 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448.

[9] Mailing address: 7500 Standish Pl., rm. 150, Rockville, MD 20855.

[10] Mailing address: 1390 Piccard Dr., Rockville, MD 20850.

[11] Mailing address: 1801 Rockville Pike, Rockville, MD 20852.

Office of Training and Assistance

Division of Consumer Affairs.
Division of Professional Practices.
Division of Small Manufacturers Assistance.
Division of Technical Development.
Division of Training Support.

Center for Food Safety and Applied Nutrition [12]

Office of the Center Director

Office of Programs

Office of Cosmetics and Colors

Division of Programs and Enforcement Policy.
Division of Science and Applied Technology.

Office of Food Labeling

Division of Programs and Enforcement Policy.
Division of Technical Evaluation.
Division of Science and Applied Technology.

Office of Pre-Market Approval

Division of Product Policy.
Division of Petition Control.
Division of Health Effects Evaluation.
Division of Molecular Biological Research and Evaluation.
Division of Product Manufacture and Use.

Office of Plant and Dairy Foods and Beverages

Division of Microanalytical Evaluations.
Division of Programs and Enforcement Policy.
Division of Virulence Assessment.
Division of Pesticides and Industrial Chemicals.
Division of Natural Products.
Division of Food Processing and Packaging.

Office of Seafood

Division of Special Programs.
Division of Programs and Enforcement Policy.
Division of Science and Applied Technology.

Office of Special Nutritionals

Division of Programs and Enforcement Policy.
Division of Science and Applied Technology.

Office of Special Research Skills

Division of Toxicological Research.
Division of Microbiological Studies.

Office of Systems and Support

Office of Constituent Operations

Consumer Education Staff.
Legislative Activities Staff.
Industry Activities Staff.
International Activities Staff.

Office of Field Programs

Division of Enforcement.
Division of HACCP Programs.
Division of Cooperative Programs.
Division of Field Program Planning and Evaluation.

Office of Management Systems

Division of Management Services and Policy.
Division of Planning and Financial Management.
Division of Information Resources Management.
Division of Administrative Services.

Office of Scientific Analysis and Support

Division of Mathematics.
Division of General Scientific Support.
Division of Market Studies.

Center for Veterinary Medicine [13]

Office of the Center Director

Office of Management

Division of Program and Information Systems.
Division of Program Communications and Administrative Management.

Office of Surveillance and Compliance

Division of Compliance.
Division of Animal Feeds.
Division of Surveillance.
Division of Voluntary Compliance and Hearings Development.

Office of New Animal Drug Evaluation

Division of Biometrics and Production Drugs.
Division of Chemistry.
Division of Therapeutic Drugs for Food Animals.
Division of Therapeutic Drugs for Non-Food Animals.
Division of Toxicology and Environmental Sciences.

Office of Science

Division of Residue Chemistry.
Division of Animal Research.

§ 5.115 [Amended]

3. Section 5.115 *Field structure* is amended under the heading "MIDWEST REGION" for the *Regional Field Office* by removing "550" and adding in its place "510"; the *Chicago District Office* address is amended to read "300 South Riverside Plaza, suite 550, South Chicago, IL 60606."; under the heading "SOUTHWEST REGION," the *Kansas City District Office* address is amended to read "11630 West 80th St., Lenexa, KS 66214–3340."

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7643 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

[12] Mailing address: 200 C St. SW., Washington, DC 20024.

[13] Mailing address: 7500 Standish Pl., Rockville, MD 20855.

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21 CFR Part 5

Delegations of Authority and Organization; Center for Drug Evaluation and Research

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to the approval of new drug applications (NDA's), abbreviated new drug applications (ANDA's), and their supplements to add the Deputy Director (Medical and Scientific Affairs), Center for Drug Evaluation and Research (CDER), to the list of officials authorized to approve certain NDA's, ANDA's, and their supplements for drugs for human use. In addition, FDA is adding authority to approve applications submitted under section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (505(b)(2) applications) to these officials. These authorities were given to FDA under section 505 of the act.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: FDA is amending the regulations in § 5.80 *Approval of new drug applications and their supplements* (21 CFR 5.80) to add the Deputy Director (Medical and Scientific Affairs), CDER, to those authorized in § 5.80(a)(1)(i) to approve NDA's, ANDA's, and their supplements. The agency is also authorizing officials to approve 505(b)(2) applications. FDA continues to delegate to previous officials, under appropriate circumstances, the authority to act upon the applications to which this authorization applies. These changes in the regulations will conform them to CDER's current division of work responsibilities. Accordingly, FDA is amending § 5.80 as set forth below.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be

exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

§ 5.80 [Amended]

2. Section 5.80 is amended by adding in paragraph (a)(1)(i) the words "and Deputy Director (Medical and Scientific Affairs)," before the word "Center"; by revising the introductory text of paragraph (c), paragraphs (c)(1)(i) through (c)(1)(iii); by adding new paragraph (c)(1)(iv); by redesignating paragraph (d) as paragraph (f); by adding new paragraphs (d) and (e); and by revising the introductory text of newly redesignated paragraph (f) to read as follows:

§ 5.80 Approval of new drug applications and their supplements.

* * * * *

(c) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to approval of abbreviated new drug applications and supplements thereto for drugs for human use and new drug applications for drugs with a 5S classification whose clinical safety and efficacy may be supported by appropriate literature citations in lieu of submission of data from original proprietary studies, or 505(b)(2) applications under their jurisdiction. The applications to which this authorization applies may, in appropriate circumstances, continue to be acted upon by the officials so authorized in § 5.10(a) and paragraph (a) of this section.

(1) * * *

(i) The Director and Deputy Director, Office of Generic Drugs (OGD), CDER, except that the Director and Deputy Director, OGD are not authorized to approve new drug applications with a 5S classification if clinical studies are needed.

(ii) The Directors and Deputy Directors of the divisions in the Office of Drug Evaluation I, CDER.

(iii) The Directors and Deputy Directors of the divisions in the Office of Drug Evaluation II, CDER.

(iv) The Director, Pilot Drug Evaluation Staff, CDER.

* * * * *

(d) The following officials are authorized to perform all functions of the Commissioner of Food and Drugs with respect to approval of supplemental applications to abbreviated new drug applications, 5S applications, or 505(b)(2) applications for drugs for human use that are described in § 314.70(b)(1), (b)(2)(ii) through (b)(2)(x), (c)(1), and (c)(3) of this chapter. Authority to approve supplements that require in vivo bioavailability studies or that include in vivo bioavailability study waiver requests are not included in this paragraph.

(1) The Director and Deputy Director of the Division of Chemistry I, OGD.

(2) The Director and Deputy Director of the Division of Chemistry II, OGD.

(3) The Associate Director for Chemistry, OGD.

(e) The Associate Director for Labeling and Professional Support, OGD, is authorized to perform all functions of the Commissioner of Food and Drugs with respect to approval of supplemental applications to abbreviated new drug applications, 5S applications, or 505(b)(2) applications for drugs for human use that are described in § 314.70(b)(3) and (c)(2)(i) through (c)(2)(iv) of this chapter. Authority to approve supplements that require in vivo bioavailability studies or in vivo study waiver requests are not included in this paragraph.

(f) The following officials are authorized to perform all functions of the Commissioner of Food and Drugs with respect to approval of supplemental applications to new drug applications for drugs for human use that are described in § 314.70(b)(1), (b)(2)(ii) through (b)(2)(x), (c)(1), and (c)(3) of this chapter. Authority to approve supplements that require in vivo bioavailability information or that require a change in the labeling of the drug, except changes that reflect only the use of a different facility or establishment, are not included in this paragraph. The supplemental applications to which this authorization applies may continue to be acted upon by the officials so authorized in § 5.10(a) and paragraphs (a) and (b) of this section.

Dated: February 23, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7645 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F1

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21 CFR Part 5

Delegations of Authority to the Commissioner of Food and Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to redelegate the authority of the Assistant Secretary for Health to make determinations to close advisory committee meetings to the public to the Commissioner of Food and Drugs (the Commissioner) and other agency heads. FDA is further redelegating this authority from the Commissioner to the Deputy Commissioner for Operations.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: In a memorandum dated October 23, 1992, the Secretary of Health and Human Services authorized the Assistant Secretary for Health to make determinations that advisory committee meetings or portions thereof may be closed to the public pursuant to the provisions of 5 U.S.C. 552(b) of the Government in the Sunshine Act and the Federal Advisory Committee Act (Pub. L. 92–463), as amended. In that same memorandum, the Secretary authorized the Assistant Secretary for Health to redelegate this authority to Public Health Service agency heads, with authority to redelegate to a single official who reports directly to the agency head.

In a subsequent memorandum, dated December 22, 1992, the Assistant Secretary for Health redelegated this authority, including the authority to redelegate to a single official who

reports directly to the agency head, to the Commissioner. Accordingly, FDA is revising § 5.10(a)(18) *Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials* (21 CFR 5.10) by adding that the authority to make determinations to close advisory committee meetings may be redelegated to a single official who reports directly to the agency head. The Commissioner is redelegating this authority to the Deputy Commissioner for Operations in § 5.20 *General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration* (21 CFR 5.20).

Further redelegation of the authority is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.10 is amended by revising the introductory text of paragraph (a)(18) to read as follows:

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(18) Functions vested in the Secretary under the Federal Advisory Committee Act, Public Law 92–463, to make determinations that advisory committee meetings are concerned with matters listed in 5 U.S.C. 552(b) and therefore may be closed to the public for those committees under the administrative jurisdiction of the Commissioner of Food and Drugs. This authority may be redelegated to a single official who reports directly to the Commissioner of Food and Drugs. This authority is to be exercised in accordance with the requirements of the Federal Advisory Committee Act and only with respect to the following:

* * * * *

3. Section 5.20 is amended by redesignating existing paragraphs (e) through (g) as paragraphs (f) through (h), respectively, and by adding new paragraph (e) to read as follows:

§ 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

* * * * *

(e) The Deputy Commissioner for Operations is authorized to make determinations that advisory committee meetings are concerned with matters listed in 5 U.S.C. 552(b) and may be closed to the public in accordance with § 5.10(a)(18).

* * * * *

Dated: March 16, 1993.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 93–7642 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 5, 12, and 14

Organization, Functions, and Authority Delegations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority and organization and formal evidentiary public hearing to reflect a change in the organizational structure and the name of one of its Divisions. FDA is also correcting a typographical error. This action is being taken to improve the accuracy and clarity of the regulations.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Lisa M. Stehlin, Office of Policy (HF–26), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: FDA is amending the regulations in § 5.22 *Certification of true copies and use of Department seal* (21 CFR 5.22) and § 12.50 *Advice on public participation in hearings* (21 CFR 12.50), to reflect a change in the organizational structure and name of one of its divisions. The Division of Regulations Policy, Office of Enforcement, Office of Regulatory Affairs was moved to the Office of the Commissioner, Office of Policy. In addition, the name of the Division of Regulations Policy was changed to the Regulations Policy and Management Staff. Accordingly, FDA is amending §§ 5.22(c), 12.50(a) and (c) to reflect these changes. FDA is also amending § 14.100 *List of standing advisory committees* (21 CFR 14.100) to correct a typographical error.

List of Subjects

21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

21 CFR Part 12

Administrative practice and procedure.

21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 5, 12, and 14 are amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

§ 5.22 [Amended]

2. Section 5.22 *Certification of true copies and use of Department seal* is amended in paragraph (c) by removing the words "Staff and his/her alternates, Division of Regulations Policy, Office of Enforcement, ORA," and adding in their place the words "Section and his/her alternates, Regulations Policy and Management Staff, Office of Policy, Office of the Commissioner".

PART 12—FORMAL EVIDENTIARY PUBLIC HEARING

3. The authority citation for 21 CFR part 12 continues to read as follows:

Authority: Secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393); 21 U.S.C. 41–50, 141–149, 467f, 679, 821, 1034; secs. 2, 351, 354–360F, 361 of the Public Health Service Act (42 U.S.C. 201, 262, 263b–263n, 264); secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 5 U.S.C. 551–558, 701–706; 28 U.S.C. 2112.

§ 12.50 [Amended]

4. Section 12.50 *Advice on public participation in hearings* is amended in paragraphs (a) and (c) by removing the words "Associate Commissioner for Regulatory Affairs (HFC–220)" and adding in their place the words "Deputy Commissioner for Policy (HF–22)".

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

5. The authority citation for 21 CFR part 14 continues to read as follows:

Authority: Secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 21 U.S.C. 41–50, 141–149, 467f, 679, 821, 1034; secs. 2, 351, 361 of the Public Health Service Act (42 U.S.C. 201, 262, 264); secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 5 U.S.C. App. 2; 28 U.S.C. 2112.

§ 14.100 [Amended]

6. Section 14.100 *List of standing advisory committees* is amended in paragraph (c)(1)(ii) by correcting the spelling of "anesthesiology".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7644 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 5, 20, 100, 101, 105, and 130

[Docket No. 91N–0219]

RIN 0905–AD08

Regulatory Impact Analysis of the Final Rules to Amend the Food Labeling Regulations; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the regulatory impact analysis (RIA) statement that appeared in the Federal Register of January 6, 1993 (58 FR 2927). The document published the final RIA that FDA had prepared under Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). This study presented the costs and benefits of the food labeling regulations that the agency issued in response to the Nutrition Labeling and Education Act of 1990 and as part of the Secretary of Health and Human Services' food labeling reform initiative. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Richard A. Williams, Jr., Center for Food Safety and Applied Nutrition (HFS–726), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5271.

In FR Doc. 92–31525, appearing on page 2927 in the Federal Register of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2927, in the first column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", the mail code "(HFF–303)" is corrected to read "(HFS–726)".

2. On page 2931, in the second column, in line 9, the word "package" is corrected to read "packaging".

3. On page 2932, in the first column, in the first full paragraph, in line 17, the phrase "providing values in the final rule" is corrected to read, "providing protein values for some foods in the final rule".

4. On page 2934, in the third column, in the second full paragraph, beginning in line 21, the phrase "how much, if at all, advertising expenditures" is corrected to read "how much advertising expenditures".

5. On page 2935, in the second column, in the first full paragraph, in line 8, the phrase "compliance to 15 months" is corrected to read "compliance period to 15 months".

6. On page 2936, in the first column, in the fourth full paragraph, in line 5, the phrase "decreases that will affect" is corrected to read "decreases for health care that will affect"; and in the third column, in the second full paragraph, in the fourth line from the bottom, the phrase "from restaurant menus" is corrected to read "on restaurant menu boards".

7. On page 2938, in the first column, in the second full paragraph, beginning in line 8, the phrase "because the total number" is corrected to read "because, of the total number".

8. On page 2940, in the second column, in the second full paragraph, in the second line from the bottom, the word "of" is corrected to read "for".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7240 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 5, 101, 105, and 130

[Docket Nos. 90N–0134 et al.]

RIN 0905–AD08 and 0905–AB68

Food Labeling: Establishment of Date of Application; Correction

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration is correcting a final rule that appeared in the Federal Register of January 6, 1993 (58 FR 2070). The document established May 8, 1994, as the date on which it will apply mandatory nutrition labeling and nutrient content claims provisions of the Nutrition Labeling and Education Act. The document was published with some inadvertent editorial errors. This document corrects those errors.

DATES: The statutory effective date of sections 403(q) and 403(r)(2) of the Federal Food, Drug, and Cosmetic Act (the act) is May 8, 1993, except that section 403(q)(4) (raw agricultural commodities and raw fish) became effective November 8, 1991. However, FDA is delaying the date that it will apply sections 403(q) of the act (21 CFR 101.9) and 403(r)(2) of the act (21 CFR 101.13, all of the regulations in subpart D of 21 CFR part 101, and 21 CFR 130.10), except section 403(q)(4) of the act (21 CFR 101.42 through 101.45), until May 8, 1994. The effective date of the regulations published elsewhere in the January 6, 1993, issue of the Federal Register implementing sections 403(q) and 403(r)(2) of the act, except section 403(q)(4) of the act, is May 8, 1994.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFS–151), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4561.

In FR Doc. 92–31500, appearing on page 2070 in the Federal Register of Wednesday, January 6, 1993, the following correction is made:

1. On page 2070, in the first column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", the mail code "(HFF–302)" is corrected to read "(HFS–151)" and the telephone number "202–205–5267" is corrected to read "202–205–4561".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7317 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 100

[Docket No. 91N–0343]

RIN 0905–AD08

State Enforcement Provisions of the Nutrition Labeling and Education Act of 1990; 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 6, 1993 (58 FR 2457). The document amended the regulations to implement section 4 of the Nutrition Labeling and Education Act of 1990. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: February 5, 1993.

FOR FURTHER INFORMATION CONTACT: Janice F. Oliver, Center for Food Safety and Applied Nutrition (HFS–600), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4771.

In FR Doc. 92–31508, appearing on page 2457, in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2457, in the first column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", in the 4th line, the telephone number "202–205–4187" is corrected to read "202–205–4771".

2. On page 2459, in the second column, in the second full paragraph, beginning in line 9, the phrase "The Division of Regulatory Guidance" is corrected to read "The Division of Enforcement, Office of Field Programs (formerly part of the Division of Regulatory Guidance (see 57 FR 54239, November 17, 1992))".

§ 100.2 [Corrected]

3. On page 2461, in § 100.2 *State enforcement of Federal regulations*, in paragraphs (d), (f), and (g) the phrase "Division of Regulatory Guidance (HFF–310)" is corrected to read "Division of Enforcement (HFS–605)"; and in the introductory text of paragraph (h), the phrase "Division of Regulatory Guidance, Office of Compliance" is corrected to read "Division of Enforcement, Office of Field Programs".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7233 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 20 and 101

[Docket No. 85N–0061]

RIN 0905–AB67

Food Labeling; General Requirements for Health Claims for Food; 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 6, 1993 (58 FR 2478). The document established regulations on general requirements for health claims for food. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1993, except § 101.9(k)(1) which will become effective May 8, 1994, and § 101.14(d)(2)(vii)(B) and (d)(3) concerning restaurant firms consisting of 10 or less individual restaurant establishments for whom these sections will become effective on May 8, 1994.

FOR FURTHER INFORMATION CONTACT: Victor P. Frattali, Center for Food Safety and Applied Nutrition (HFS–455), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4064.

In FR Doc. 92–31511, appearing on page 2478 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2478, in the first column, under the caption "**EFFECTIVE DATE:**", in lines 2 and 3, "§ 101 9(k)(1) which will become effective February 14, 1994" is corrected to read "§ 101.9(k)(1) which will become effective May 8, 1994"; and on the same page, under the caption "**FOR FURTHER INFORMATION CONTACT:**", in line 2, the mail code "(HFF–261)" is corrected to read "(HFS–455)".

2. On page 2480, in the third column, in the first full paragraph, in line 3, "§ 101 14(a)(2)" is corrected to read "§ 101.14(a)(2)".

3. On page 2494, in the second column, in line 1, "section 403(r)(A)(ii)" is corrected to read "section 403(r)(3)(A)(ii)".

4. On page 2511, in the third column, in the fourth full paragraph, in the third line from the bottom, "2,400 mg" is corrected to read "2,000 mg".

5. On page 2512, in the second column, in the first full paragraph, in the third line from the bottom, "2,400 mg" is corrected to read "2,000 mg".

6. On page 2513, in the second column, in the third full paragraph, in line 11, "§ 101.72(d)(3)" is corrected to read "§ 101.72(c)(2)(i)(C)"; and in line 21, "§ 101.72(d)(2)" is corrected to read "§ 101.72(c)(2)(i)(A)."

7. On page 2515, in the first column, in the quoted material that appears as part of the first full paragraph, beginning in the fifth line from the bottom, "Diets low in salt and sodium may help lower blood pressure in many people" is corrected to read "Diets low in sodium may reduce the risk of high blood pressure, a disease associated with many factors."

8. On page 2517, in the second column, in the third full paragraph, in line 8, the word "place" is corrected to read "placed".

9. On page 2521, in the first column, in the second line from the bottom, "Secretary" is corrected to read "Secretary's".

10. On page 2523, in the second column, in the second full paragraph, in line 2, "that the Secretary (and FDA" is corrected to read "that the Secretary's (and FDA's".

11. On page 2527, in the first column, in the third line from the bottom, "the" is removed.

§ 101.14 [Corrected]

12. On page 2534, in the second column, in § 101.14 *Health claims: general requirements*, in paragraph (d)(2)(vii)(A), beginning in line 10, "Diets low in salt and sodium may help lower blood pressure in many people" is corrected to read "Diets low in sodium may reduce the risk of high blood pressure, a disease associated with many factors"; and in paragraph (d)(2)(vii)(B), in the last line, the word "providing" is corrected to read "provides".

§ 101.70 [Corrected]

13. On page 2535, in the second column, in § 101.70 *Petitions for health claims*, in paragraph (f), beginning in line 10, "Regulatory Affairs Staff (HFF–204), Office of Nutrition and Food Sciences" is corrected to read "Office of Food Labeling (HFS–150)"; in lines 16 and 17, "or (r)(5)(D)" is removed; and in line 20, "in quadruplicate," is removed.

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7241 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 74, 172, 177, 178, 186, and 189

[Docket No. 93N–0082]

Food and Color Additives; Substances Generally Recognized as Safe; Prohibited Substances; Technical Amendments and Corrections

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments and corrections.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive, food additive, generally recognized as safe (GRAS), and prohibited use regulations to correct certain typographical and other inadvertent errors. Further, the agency is correcting a final rule that appeared in the **Federal Register** of September 22, 1992 (57 FR 43613). The document amended the food additive regulations to provide for the safe use of calcium stearate and sodium bicarbonate, among other substances, as components of a sanitizing solution to be used on food-processing equipment and utensils, including food-contact surfaces in public eating places. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Linda S. Kahl, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9523.

SUPPLEMENTARY INFORMATION: FDA has discovered that certain errors have become incorporated into the agency's codified regulations on color additives, food additives, indirect food substances affirmed as GRAS, and substances prohibited from use in human food. These corrections are nonsubstantive, and therefore no new rulemaking is necessary. This final rule addresses the following errors in the regulations:

1. In 21 CFR 74.1109 *D&C Blue No. 9*, in paragraph (b), "nercent" is corrected to read "percent".

2. In 21 CFR 172.490 *Yellow prussiate of soda*, the formula for sodium ferrocyanide decahydrate is corrected to read "$Na_4Fe(CN)_6 \cdot 10H_2O$".

3. In 21 CFR 177.1060 *n-Alkylglutarimide/acrylic copolymers*, paragraph (e) incorrectly refers to Table 1 of § 176.170(c) (21 CFR 176.170(c)). The correct reference is Table 2.

4. In 21 CFR 177.1520 *Olefin polymers*, in the table in paragraph (c), in item 3.2a the clause "for use in articles used for packing or holding food during cooking;" was inadvertently placed after the words "of this table" when the agency amended item 3.2a in the **Federal Register** of November 29, 1989 (54 FR 49079 at 49080). It should have been placed after the words "(a)(3)(i) of this section". FDA is correcting this error.

5. In 21 CFR 178.1010 *Sanitizing solutions*, in paragraph (b)(41), FDA incorrectly specified the Chemical Abstracts Service Registry Numbers (CAS Reg. No.) for calcium stearate and for sodium bicarbonate when the agency amended the food additive regulations in the **Federal Register** of September 22, 1992 (57 FR 43613 at 43614). The correct CAS Reg. No. for calcium stearate is 1592–23–0. The correct CAS Reg. No. for sodium bicarbonate is 144–55–8.

6. In 21 CFR 186.1551 *Hydrogenated fish oil*, Chemical Abstracts Service has changed the CAS Reg. No. for hydrogenated fish oil from 8016–14–6 to 91078–95–4. FDA is incorporating this updated CAS Reg. No. into the regulation. This has no substantive effect on the identity of the regulated substance.

7. In 21 CFR 189.220 *Flectol H*, the formula for 1,2-dihydro-2,2,4-trimethylquinoline, polymerized is corrected to read $C_{12}H_{15}N$.

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because these corrections are editorial and nonsubstantive in nature.

The Technical Amendments

List of Subjects

21 CFR Part 74

Color additives, Cosmetics, Drugs.

21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

21 CFR Part 177

Food additives, Food packaging.

21 CFR Parts 186 and 189

Food ingredients, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 74, 172, 177, 186, and 189 are amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR part 74 continues to read as follows:

Authority: Secs. 201, 401, 402, 403, 409, 501, 502, 505, 601, 602, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 376).

§ 74.1109 [Amended]

2. Section 74.1109 *D&C Blue No. 9* is amended in paragraph (b) by removing "nercent" and adding in its place the word "percent".

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

3. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 376).

§ 172.490 [Amended]

4. Section 172.490 *Yellow prussiate of soda* is amended in paragraph (a) by removing the formula "$Na_4FE(CN_6.10H_2O)$" and adding in its place "$Na_4Fe(CN)_6 \cdot 10H_2O$".

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

5. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

§ 177.1060 [Amended]

6. Section 177.1060 *n-Alkylglutarimide/acrylic copolymers* is amended in paragraph (e) by removing the words "Table 1" and adding in their place "Table 2".

§ 177.1520 [Amended]

7. Section 177.1520 *Olefin polymers* is amended in the table in paragraph (c), in the "Olefin polymers" column, item 3.2a, by removing the phrase "Olefin copolymers described in paragraph (a)(3)(i) of this section; except olefin copolymers described in paragraph (a)(3)(i)(*c*)(*2*) of this section and listed in item 3.2b of this table for use in articles used for packing or holding food during cooking;" and adding in its place "Olefin copolymers described in paragraph (a)(3)(i) of this section for use in articles used for packing or holding food during cooking; except olefin copolymers described in paragraph (a)(3)(i)(*c*)(*2*) of this section and listed in item 3.2b of this table;".

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

8. The authority citation for 21 CFR part 186 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

§186.1551 [Amended]

9. Section 186.1551 *Hydrogenated fish oil* is amended in the first sentence in paragraph (a) by removing the parenthetical phrase "(CAS Reg. No. 8016–14–6)" and adding in its place "(CAS Reg. No. 91078–95–4)".

PART 189—SUBSTANCES PROHIBITED FROM USE IN HUMAN FOOD

10. The authority citation for 21 CFR part 189 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

§189.220 [Amended]

11. Section 189.220 *Flectol H* is amended in the first sentence in paragraph (a) by removing the formula "$C_{12}H_{17}N$" and adding in its place "$C_{12}H_{15}N$".

The Corrections

In FR Doc. 92–22950, appearing on page 43613 in the **Federal Register** of Tuesday, September 22, 1992, the following corrections are made:

§178.1010 [Corrected]

12. On page 43614, in the second column, in § 178.1010 *Sanitizing solutions*, in paragraph (b)(41), beginning in line 9, "(CAS Reg. No. 1529–23–0)" is corrected to read "(CAS Reg. No. 1592–23–0)" and in line 11, "(CAS Reg. No. 144–55–9)" is corrected to read "(CAS Reg. No. 144–55–8)".

Dated: March 25, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–7640 Filed 3–30–93; 9:26 am]

BILLING CODE 4160–01–F

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21 CFR Part 101

[Docket No. 91N–0100]

RIN 0905–AB67

Food Labeling: Health Claims and Label Statements; Folic Acid and Neural Tube Defects; 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 6, 1993 (58 FR 2606). The document announced FDA's decision not to authorize a health claim for folic acid and neural tube defects at this time. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1993.

FOR FURTHER INFORMATION CONTACT: Jeanne I. Rader, Center for Food Safety and Applied Nutrition (HFS–175), 200 C St. SW., Washington, DC 20204, 202–205–4064.

In FR Doc. 92–31514, appearing on page 2606, in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2606, in the first column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", the mailing code "(HFF–268)" is corrected to read "(HFS–175)", and the address "8301 Muirkirk Rd., Laurel, MD 20708" is corrected to read "200 C St. SW., Washington, DC 20204".

2. On page 2609, in the first column, in the first full paragraph, in the second line from the bottom, "0 4" is corrected to read "0.4"; and on the same page in the second column, in the third full paragraph, in the third and fourth lines from the bottom, and in the fifth full paragraph, in the eighth line, "0 4" is corrected to read "0.4";

3. On page 2618, in the first column, in Reference 3, in the second line, "into a Cluster" is corrected to read "of a Cluster "; on the same page, in the third column, in Reference 20, in the second line, "Congential" is corrected to read "Congenital"; in Reference 21, in the third line, the words "Congential" and "form " are corrected to read "Congenital" and "from", respectively; in Reference 24, in the second line "Alcohol-incude" is corrected to read,"Alcohol-induced"; in Reference 28, in the fourth line, "Chapter 18, pp. 351–379, and Chapter 21, pp. 412–419," is added before "1990"; and in Reference 37, in the first line, the author's name "K. Tuomilehto" is corrected to read "J. Tuomilehto".

4. On page 2619, in the first column, in Reference 45, in the last line, "pp. 56–58" is corrected to read "pp. 56–68"; on the same page, in the second column, in Reference 57, in the first line, the author's name "Ellison, A. B. and Curry" is corrected to read "Ellison, A. B. Curry"; in Reference 68, beginning in the second line, the formula "*DL*–5-formyltetrahydrogfolate" is corrected to read "*DL*–5-formyltetrahydrofolate"; in the third column, in Reference 76, in the first line, the author's name"S. C. Johnson" is corrected to read "C. S. Johnson; and in Reference 83, beginning in the first line, "'Folate Metabolism in Brain,' *Biochemistry of Brain*" is corrected to read "'Folate Metabolism in Brain,' *in*: Kuman, S., editor, *Biochemistry of Brain*".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7312 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 101

[Docket No. 91N–0095]

RIN 0905–AB67

Food Labeling: Health Claims and Label Statements; Sodium and Hypertension; 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 6, 1993 (58 FR 2820). The document announced the agency's decision to authorize the use on the label or labeling of certain foods of health claims relating to an association between dietary sodium and high blood pressure. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1993.

FOR FURTHER INFORMATION CONTACT: Ellen M. Anderson, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5375.

In FR Doc. 92–31521, appearing on page 2820 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2820, in the first column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", beginning in line 2, the mail code "(HFF–266)" is corrected to read "(HFS–165)".

2. On page 2823, in the first column, in line 22, "hypertension evidences" is corrected to read "hypertension is evidence of a".

3. On page 2825, in the first column, in line 21, the word "decreases" is corrected to read "decreased".

4. On page 2826, in the second column, in the first full paragraph, in line 10, "(Refs. 34 and 35)" is added after "(15 percent)".

5. On page 2828, in the second column, in the first full paragraph, in line 16, the word "dose" is corrected to read "does"; and in the third column, in the second full paragraph, in the fourth line from the bottom, "agency has also has" is corrected to read "agency has also".

6. On page 2829, in the third column, in the fourth full paragraph, in the last line, the word "regulations" is corrected to read "regulation".

7. On page 2831, in the third column, in line 38, "In Belgium" is corrected to read "in Belgium"; and in the first full paragraph, in line 9, the word "potassium" is corrected to read "phosphate".

8. On page 2835, in the third column, in reference 111, in line 4, "I35" is corrected to read "I–35".

9. On page 2836, in the first column, in reference 124, in line 2, "Hyptension" is corrected to read "Hypertension".

§ 101.74 [Corrected]

10. On page 2837, in § 101.74 *Health claims: sodium and hypertension*, in paragraph (b)(3), in the last line, the word "cardiovascular" is corrected to read "coronary heart".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7238 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 101

[Docket No. 91N–0099]

RIN 0905–AB67

Food Labeling: Health Claims and Label Statements; Dietary Fiber and Cardiovascular Disease; 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 6, 1993 (58 FR 2552). The document announced FDA's decision not to authorize the use on the label or labeling of foods of health claims relating to the association between dietary fiber and cardiovascular disease. However, FDA did authorize a health claim relating diets low in saturated fat and cholesterol and high in fruits, vegetables, and grain products that contain dietary fiber (particularly soluble fiber) to a reduced risk of coronary heart disease. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

DATES: May 8, 1993.

FOR FURTHER INFORMATION CONTACT: Joyce J. Saltsman, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5916.

In FR Doc. 92–31513, appearing on page 2552 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2556, in the second column, in the first full paragraph, beginning in the 12th line from the bottom, "192 mg/dL 172 mg/dL" is corrected to read "192 mg/dL to 172 mg/dL"; and in the third column, beginning in the 16th line from the bottom, the paragraph is corrected by starting a new paragraph with the phrase "In a parallel design,".

2. On page 2562, in the second column, in the last paragraph, in the fifth line from the bottom, "bloood" is corrected to read "blood".

3. On page 2564, in the third column, in the second full paragraph, in line 5, "Chrinic" is corrected to read "Chronic".

4. On page 2566, in the third column, in the second full paragraph, in line 9, "remains" is corrected to read "remain".

5. On page 2568, in the first column, in the second full paragraph, in the second line from the bottom, "oat bran supplementation reduced" is corrected to read "the oat-bran supplemented diet reduced".

6. On page 2573, in the second column, in the first full paragraph, in line 1, "§ 101.76(c)(2)(i)(C)" is corrected to read "§ 101.77(c)(2)(i)(C)".

7. On page 2574, in the first column, in the first full paragraph, in line 17, "fiber cancer" is corrected to read "fiber and cancer".

§ 101.71 [Corrected]

8. On page 2578, in the third column, amendatory instruction number 2 is corrected to read "Section 101.71 is amended by adding new paragraph (b) to read as follows:".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7242 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 101

[Docket No. 91N–0344]

RIN 0905–AD08

Food Labeling: Use of Nutrient Content Claims for Butter; 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 6, 1993 (58 FR 2448). The document permits nutrient content claims that are defined by regulation in 21 CFR part 101 to be made for butter. The document was published with some inadvertent editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1994.

FOR FURTHER INFORMATION CONTACT: Shellee A. Davis, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5112.

In FR Doc. 92–31507, appearing on page 2448, in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2448, in the first column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", in line 2, the mail code "(HFS–158)," is corrected to read "(HFS–306),".

2. On page 2450, in the second column, in the first complete paragraph, in line 7, the word "'margarine,'" is corrected to read "'modified margarine,'" the first time it appears.

3. On page 2454, in the second column, in the fifth full paragraph, beginning in line 5, the phrase "that claim must be included" is corrected to read "that claim must be an explicit claim that is included".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7315 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 101

[Docket No. 91N–0094]

RIN 0905–AB67

Food Labeling: Health Claims; Calcium and Osteoporosis; 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 6, 1993 (58 FR 2665). The document authorized the use on the label and labeling of foods of health claims relating to an association between adequate calcium intake and osteoporosis. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1993.

FOR FURTHER INFORMATION CONTACT: Mona S. Calvo, Center for Food Safety and Applied Nutrition (HFS–226), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5434.

In FR Doc. 92–31517, appearing on page 2665 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2665, in the first column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", in line 2, the mail code "(HFF–265)" is corrected to read "(HFS–226)".

2. On page 2666, in the third column, in the second full paragraph, in line 10, "for calcium-osteoporosis claim" is corrected to read "for a calcium-osteoporosis claim".

3. On page 2667, in the first column, in line 20, "food" is corrected to read "food's".

4. On page 2669, in the first column, in the fifth line from the bottom, "intakes" is corrected to read "intake"; and in the third column, in line 2, "authorize" is corrected to read "authorizes".

5. On page 2670, in the first column, in the first full paragraph, in line 8, "caucasian" is corrected to read "Caucasian"; and in the second column, in the first full paragraph, in line 4, the phrase "comment included also submitted" is corrected to read "comment submitted also included".

§101.72 [Corrected]

6. On page 2677, in § 101.72 *Health claims: calcium and osteoporosis*, in the third column, in paragraph (c)(2)(ii)(C), in the first line, the phrase "supplements meet" is corrected to read "supplements shall meet".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7318 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 101

[Docket No. 91N–0103]

RIN 0905–AB67

Food Labeling: Health Claims and Label Statements: Omega-3 Fatty Acids and Coronary Heart Disease; 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 6, 1993 (58 FR 2682). The document announced FDA's decision not to authorize the use on the label or labeling of foods of health claims relating to an association between omega-3 fatty acids and coronary heart disease. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1993.

FOR FURTHER INFORMATION CONTACT: John C. Wallingford, Center for Food Safety and Applied Nutrition (HFS–465), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5461.

In FR Doc. 92–31518, appearing on page 2682 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2685, in the second column, in the second full paragraph, in line 6, the word "nine" is corrected to read "ten".

2. On page 2687, in the third column, in the second full paragraph, in line 6, "0 6" is corrected to read "0.6".

3. On page 2690, in the second column, in the fifth line from the bottom, the phrase "Wolmarans studied" is corrected to read "Wolmarans, et al. (Ref. 301) studied".

4. On page 2694, in the first column, in line 7, the word "marker" is corrected to read "markers".

5. On page 2695, in the first column, in the second full paragraph, in the last line, "comment 52" is corrected to read "comments 52 and 56".

6. On page 2699, in the second column, in the third full paragraph, in the last line, the phrase "was provided" is corrected to read "were provided".

7. On page 2700, in the second column, in the third full paragraph, in line 8, "253, 253" is corrected to read "253, 253a".

8. On page 2701, in the second column, in the third full paragraph, in line 3, "Iib" is corrected to read "IIb"; and in the third column, the third paragraph is corrected by moving the entire paragraph to immediately follow the third full paragraph, in the second column, on page 2702.

9. On page 2702, in the first column, in the first full paragraph, in line 4, the phrase "comments 35 through 37" is corrected to read "comments 36 through 38".

10. On page 2703, in the second column, in the second full paragraph, in line 14, "47" is corrected to read "49".

11. On page 2704, in the second column, in line 12, "Dart" is corrected to read "DART".

12. On page 2708, in the first column, in reference 27, in line 4, "*Arterio Sclerosis*" is corrected to read "*Arteriosclerosis*"; in the second column, in reference 50, in line 2, "Platelet-devised" is corrected to read "Platelet-derived"; in reference 56, in line 2, "Ecstenosis" is corrected to read "Restenosis"; and in the third column; in reference 67, in line 5, "Feedingtrials" is corrected to read "Feeding Trials"; reference 68 is corrected to read "Hirai, A., et al., "Clinical and Epidemiological Studies of Eicosapentaenoic Acid in Japan," *in* Proceedings of the AOCS Short Course on Polyunsaturated Fatty Acids and Eicosanoids, W. E. M. Lands, ed; AOCS, Champaign, IL"; reference 69 is corrected to read "Hollander, W., et al., "Differential Effects of Fish Oil Supplements on Atherosclerosis," *Circulation* 76:IV–313, 1987"; in reference 72, in line 3, "Menhaden Oil Mitre" is corrected to read "Menhaden Oil,' Mitre"; and in reference 73, in line 3, "Atheroselerosis" is corrected to read "Atherosclerosis".

13. On page 2709, in the first column, in reference 79, "Kusion" is corrected to read "Kasim"; in the second column, in reference 89, in line 2, "*Intern*" is corrected to read "*Internal*"; and in reference 105, in line 2, "FishLipid" is corrected to read "Fish Lipid" and the journal title "*Clinical Chemical Action*" is corrected to read "*Clinica Chemica Acta*".

14. On page 2710, in the first column, reference 122 is corrected to read "Weiner, B. H., I. S. Ockene, P. H. Levine, et al., "Inhibition of Atherosclerosis by Cod-Liver Oil in a Hyperlipidemic Swine Model," *New England Journal of Medicine*, 315:841–846, 1986"; and in the third column, reference 155 is corrected to read "Valdini, A. F., et al., "Efficacy of Fish Oil Supplementation for Treatment of Moderate Elevation of Serum Cholesterol," *Journal of Family Practice*, 30:55–59, 1990.

15. On page 2711, in the first column, in reference 171, in line 3, the words "Phenotype A" are corrected to read

"Phenotype. A"; in reference 180, in line 4, the word "Uppressing" is corrected to read "Suppressing"; in the second column, in reference 185, in line 3, the word "Opulations" is corrected to read "Populations"; in reference 185a, in line 1, the phrase "Decreased HDL2 and HDL3" is corrected to read "Decreased HDL_2 and HDL_3"; in reference 186, in line 4, the word "Hromboxane" is corrected to read "Thromboxane"; in the third column, in reference 202, in line 3, the word "acids" is corrected to read "Acids".

16. On page 2712, in the third column, in reference 239, in line 8, "cids" should read "Acids"; in reference 244, in line 3, "Coagualtion" is corrected to read "Coagulation"; and in reference 245, in line 4, the word "Lipoporteins" is corrected to read "Lipoproteins".

17. On page 2713, in the first column, in reference 253a, in line 5, the "Healty" is corrected to read "Healthy"; and in the third column, in reference 282, in line 2, the word "Physician's" is corrected to read "Physicians'".

18. On page 2723, in Table 2, under the "Subjects" column, in the first entry, in line 1, the term "Type II-B" is corrected to read "Type IIb".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7389 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 101

[Docket No. 91N–0096]

RIN 0905–AB67

Food Labeling: Health Claims and Label Statements; Dietary Saturated Fat and Cholesterol and Coronary Heart Disease; 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 6, 1993 (58 FR 2739). The document authorized the use on the label or labeling of certain foods of health claims relating to an association between dietary lipids (specifically, saturated fat and cholesterol) and cardiovascular disease (specifically coronary heart disease). The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1993.

FOR FURTHER INFORMATION CONTACT: Paddy Wiesenfeld, Center for Food Safety and Applied Nutrition (HFS–465), Food and Drug Administration, 8301 Muirkirk Rd., Beltsville, MD 20708, 301–344–5825.

In FR Doc. 92–31519, appearing on page 2739, in the Federal Register of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2741, in the second column, in the second full paragraph, in line 9, add a closing parenthesis after the word "discussion".

2. On page 2742, in the first column, beginning in line 1, "(Ref. 20)" is corrected to read "(Refs. 20 and 35, 56 FR 60727 at 60739)".

3. On page 2743, in the third column, in the sixth line from the bottom, the phrase "potential for increased" is corrected to read "possible increase in".

4. On page 2744, in the first column, in the first full paragraph, in line 16, the parenthetical phrase "(a monounsaturated fat)" is corrected to read "(a *cis*-monounsaturated fat)"; in the third column, in the first full paragraph, in line 3, "60737" is corrected to read "60727"; and in the same column, in the tenth line from the bottom, "60737" is corrected to read "60727".

5. On page 2747, in the first column, in the parenthetical phrase following the third full paragraph, "60712" is corrected to read "60772".

6. On page 2749, in the first column, in the fourth full paragraph, beginning in line 9, the phrase "diets low in saturated fat and cholesterol and reduced risk" is corrected to read "dietary saturated fat and cholesterol and the risk".

7. On page 2750, in the first column, in the second full paragraph, in line 5, "(Ref. 221)" is corrected to read "(Ref. 223)".

8. On page 2752, in the first column, in reference 1, in line 5, the journal name "*Arterios*" is corrected to read "*Arteriosclerosis*"; in the second column, in reference 7, in line 5, the page citation "263:164–1652" is corrected to read "263:1646–1652"; in reference 13, in line 4, the word "*Journal*" is added after the word "Mortality"; in the third column, in reference 21, in line 4, the page citation "9:191–105" is corrected to read "9:I–91—I–105"; and in reference 25, in line 1, the author's name "H. Kautz" is corrected to read "J. Kautz".

9. On page 2753, in the first column, in reference 42, in line 4, the page citation "9:129–136" is corrected to read "9:129–135"; in the second column, in reference 51, in line 5, the word "*British*" is added before the word "*Medical*"; in reference 54, in line 4, the page citation "47:833–834" is corrected to read "47:822–824"; and in reference 62, in line 1, the author's name "J. S. Charnoci" is corrected to read "J. S. Charnock"; and in the third column, in reference 66, in line 1, the phrase "and P. Greenland" is added after "Johnson, C."

10. On page 2754, in the second column, in reference 91, in line 1, the authors "McPhillips, J. B., E. Barrett-Connor, and D. L. Wingard" are corrected to read "Brown, J., J. B. Phillips, E. Barrett-Connor, D. L. Wingard"; in reference 95, in line 1, the author's name "K. B. Martijn" is corrected to read "M. B. Katan"; in reference 99, in line 7, the word "Screens" is corrected to read "Screenes"; and in the third column, in reference 114, in line 1, the author "F. R. Path," is added after "B. Lewis,".

11. On page 2755, in the first column, in reference 127, in line 6, the name of the journal "*Journal of Lipid Research*" is added after "Lipoproteins,"; in reference 129, in line 4, the page citation "701:1000–1128" is corrected to read "701:100–125"; and in the second column, in reference 145, in line 6, the page citation "325:462–466" is corrected to read "325:461–466".

12. On page 2756, in the second column, in reference 172, beginning, in line 2, the page citation "54:L 351–8" is corrected to read "54:351–8".

13. On page 2757, in the second column, reference 225 is added to read as follows:

225. Lewis, C. J. et al, "Nutrient Intakes and Body Weights of Persons Consuming High and Moderate Levels of Added Sugars," *Journal of the American Dietetic Association*, 92:708–713, 1992.

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7390 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 101 and 102

[Docket No. 80N–0140]

RIN 0095–AC48

Food Labeling; Declaration of Ingredients; Common or Usual Name for Nonstandardized Foods; Diluted Juice Beverages; 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 6, 1993 (58 FR 2897). The document amended the food labeling regulations to establish requirements for the declaration of the percentage of juice in foods that purport to be beverages containing fruit or vegetable juice. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

DATES: May 8, 1993, except that amendments to part 102 become effective May 8, 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, 202–205–5007.

In FR Doc. 92–31524, appearing on page 2897, in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2904, in the first column, in the second full paragraph, in the fourth line, "vegotable" is corrected to read "vegetable".

2. On page 2906, in the third column, in the fourth paragraph, under item i. "Apple juice," in the second line from the bottom, "(7 CFR 52.301 through 52.301)" is corrected to read "(7 CFR 52.301 through 52.310)".

3. On page 2910, in the first column, under item vii. "Grape juice," the first two sentences are corrected to read "NJPA submitted a Brix value of 13° for grape juice in December 1989, based on the USDA File code 147–A–2 (March 1988). Subsequently, in May of 1990, NJPA suggested a higher Brix value of 16° based on information from the Concord Grape Association."; and on the same page, in the third column, in the second full paragraph, in the eighth line from the bottom, "22.7°" is corrected to read "11.7°".

4. On page 2911, in the second column, in first full paragraph, under item ix. "Guava juice," in the sixth line, "(21 CFR 146.140)" is corrected to read "(21 CFR 150.140)".

5. On page 2912, in the second column, in the third line, "(Ref. 2)" is corrected to read "(Ref. 13)".

6. On page 2913, in the first column, in the third full paragraph, in the seventh line from the bottom, "(USDA file code 147§ A§ 2)" is corrected to read "(USDA File code 147–A–2)".

7. On page 2916, in the second column, in the first full paragraph, in the sixth line from the bottom, the word "a" is removed.

8. On page 2918, in the second column, in the third full paragraph, in the fourth line, "1080" is corrected to read "100".

9. On page 2924, in the second column, in Reference 2, in the first line, the name of the author "S. C. Moyer" is corrected to read "J. C. Moyer"; in the third column, in Reference 3, in the first line, after the name of the author "Wrolstad, Ronald E.," add "V. Hong, and G. Spanos,".

§ 102.33 [Corrected]

10. On page 2926, in § 102.33 *Beverages that contain fruit or vegetable juice*, in paragraph (c), in the third column, in the fourth line, "two other fruit" is corrected to read "two other fruit juices".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7311 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 101, 102, 130, 135, 136, 137, 139, 145, 146, 150, 152, 155, 156, 158, 160, 161, 163, 164, 166, 168, and 169

[Docket No. 90N–0361]

RIN 0905–AD08

Food Labeling; Declaration of Ingredients; Technical Amendment and Corrections

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment and corrections.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of January 6, 1993 (58 FR 2850). The document amended the regulations to make ingredient labeling more useful for consumers. The agency inadvertently omitted an amendment. Further, the document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

DATES: The effective date of the provisions in this final rule for ingredient listing of standardized foods and declaration of certified color additives is May 8, 1993 (§ 101.4(a) and (b)(2)(i), § 101.6, § 101.22(k), part 130 except § 130.10 and parts 131 through 169). The effective date of all other provisions in this regulation is May 8, 1994.

FOR FURTHER INFORMATION CONTACT: Betty Campbell, Center for Food Safety and Applied Nutrition (HFS–155), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5229.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 6, 1993 (58 FR 2850), FDA published a final rule that amended the regulations to make ingredient labeling more useful to consumers. FDA discovered that it had inadvertently omitted an amendment to § 155.190 from the final rule. Further, the agency discovered numerous typographical and editorial errors. Accordingly, this document amends § 155.190 by revising paragraph (a)(6) and corrects the typographical and editorial errors.

The Technical Amendment

List of Subjects in 21 CFR Part 155

Food grades and standards, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, FDA is amending 21 CFR part 155 as follows:

Part 155—Canned Vegetables

1. The authority citation for part 155 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 376).

2. Section 155.190 is amended by revising paragraph (a)(6) to read as follows:

§ 155.190 Canned Tomatoes.

(a) * * *

(6) *Label declaration.* The name of each ingredient used shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

* * * * *

The Corrections

In FR Doc. 92–31522, appearing on page 2850 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

3. On page 2850, in the second column, in line 14, "§ 101.190" is corrected to read "§ 161.190"; and under the caption "**DATES:**", in line 6, the phrase "§ 101.22(k), and parts 130 through 169" is corrected to read "§ 101.6, § 101.22(k), part 130 except § 130.10, and parts 131 through 169".

4. On page 2851, in the third column, beginning in line 2, the phrase "a 1 'double declaration' " is corrected to read "a 'double declaration'."

5. On page 2852, in the third column, in the last paragraph, beginning in the second line from the bottom, the phrase "manufacturing (§ 146.151), and frozen concentrated" is corrected to read "manufacturing (§ 146.153), and concentrated".

6. On page 2853, in the first column, in line 1, "§ 146.153" is corrected to

read "§ 146.154"; and in the second column, in the third full paragraph, in line 13, the word "color" is corrected to read "colorings".

7. On page 2854, in the second column, in line 6, "(Refs. 47, 48, and 49)" is corrected to read "(Refs. 47, 48, 48a, and 49)."

8. On page 2864, in the first column, in the third line from the bottom, "(Ref. 50)" is corrected to read "(Refs. 50, 50a, and 50b)"; and in the second column, in the first full paragraph, in line 4, the word "as" is removed.

9. On page 2874, in the third column, after reference "48.," reference 48a. is added to read as follows:

48a. Memorandum of Telephone Conversation between Mr. Vahan Serpekian, Bumble Bee Seafoods, and Nannie H. Rainey, FDA, August 11, 1992.

10. On the same page, in the third column, after reference "50.," references 50a. and "50b." are added to read as follows:

50a. Peterson, N. B., "Isolation and Use of Raw Starches," *in* Edible Starches and Starch-Derived Syrups, Noyes Data Corp., New Jersey, pp. 4–17 and 26–29, 1975.

50b. Johnson, J. C., "Modified Starch and Cellulose," *In* Food Additives Recent Developments, edited by J. C. Johnson, Noyes Data Corp., New Jersey, pp. 186–209 and 222–225, 1983.

§ 155.191 [Corrected]

11. On page 2883, in the first column, in § 155.191 *Tomato concentrates*, in paragraph (a)(3)(iv), in line 5, the phrase "of this chapter." is corrected to read "of this chapter; except that water need not be declared in the ingredient statement when added to adjust the tomato soluble solids content of tomato concentrates within the range of soluble solids levels permitted for these foods."

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7237 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 101 and 104

[Docket No. 90N–0134]

RIN 0905–AD08

Food Labeling; Reference Daily Intakes and Daily Reference Values; 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 6, 1993 (58 FR 2206). The document amended the food labeling regulations to establish two sets of label reference values, Reference Daily Intakes (RDI's) and Daily Reference Values (DRV's), for use in declaring the nutrient content of a food on its label or labeling. The document was published with some inadvertent editorial errors. This document corrects those errors.

DATES: May 8, 1994.

FOR FURTHER INFORMATION CONTACT: Christine J. Lewis, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5588.

In FR Doc. 92–31502, appearing on page 2206 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2218, in the second column, in line 16, "60" is corrected to read "65".

2. On page 2226, in the third column, in Ref. 32, in line 2, the author's name "S. Grodong" is corrected to read "S. Gordon"; and in Ref. 33, in line 2, the author's name "W. O'Fallong" is corrected to read "W. O'Fallon".

3. On page 2227, in the first column, in Ref. 35, beginning in line 3, the page citation "p. 284" is corrected to read "pp. 283–285"; and in Ref. 37, beginning in line 4, the journal name "*Journal of the Association of Analytical Chemistry*" is corrected to read "*Journal of the Association of Official Analytical Chemists*".

§ 101.9 [Corrected]

4. On page 2227, in § 101.9 *Nutrition labeling of food*, in paragraph (c)(8)(iv), the list of RDI's and nomenclature is correctly revised to read as follows:

Vitamin A, 5,000 International Units.
Vitamin C, 60 milligrams.
Calcium, 1.0 gram.
Iron, 18 milligrams.
Vitamin D, 400 International Units.
Vitamin E, 30 International Units.
Thiamin, 1.5 milligrams.
Riboflavin, 1.7 milligrams.
Niacin, 20 milligrams.
Vitamin B_6, 2.0 milligrams.
Folate, 0.4 milligrams.
Vitamin B_{12}, 6.0 micrograms.
Biotin, 0.3 milligram.
Pantothenic acid, 10 milligrams.
Phosphorus, 1.0 gram.
Iodine, 150 micrograms.
Magnesium, 400 milligrams.
Zinc, 15 milligrams.
Copper, 2.0 milligrams.

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7316 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 105

[Docket No. 91N–384L]

RIN 0905–AD08

Food Labeling: Label Statements on Foods for Special Dietary Use; 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 6, 1993 (58 FR 2427). The document amended the food labeling regulations to conform them to the requirements of the Nutrition Labeling and Education Act of 1990. The document was published with some inadvertent editorial errors. This document corrects those errors.

DATES: Effective May 8, 1994, except as to any provisions that may be stayed by the filing of proper objections; written objections and requests for a hearing by February 5, 1993.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Center for Food Safety and Applied Nutrition (HFS–155), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5229.

In FR Doc. 92–31505, appearing on page 2427 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2427, in the third column, in the second full paragraph, in the fourth line from the bottom, the phrase "apply to that" is corrected to read "that apply to".

2. On page 2430, in the first column, in the second full paragraph, in the third line, "December 10, 1992" is corrected to read "February 5, 1993"

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7319 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 130

[Docket No. 91N–0317 et al.]

RIN 0905–AD08

Food Standards: Requirements for Foods Named by Use of a Nutrient Content Claim and a Standardized Term; 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 6, 1993 (58 FR 2431). The document amended the General Provisions for food standards to prescribe a general definition and standard of identity for foods named by use of a nutrient content claim defined in part 101 (21 CFR part 101) (such as "fat free," "low calorie," and "light") in conjunction with a traditional standardized name (for example "reduced fat sour cream"). The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

EFFECTIVE DATE: May 8, 1994.

FOR FURTHER INFORMATION CONTACT: Shellee A. Davis, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5112.

In FR Doc. 92–31506, appearing on page 2431, in the Federal Register of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2431, in the first column, under the caption "FOR FURTHER INFORMATION CONTACT:", in line 2, the mail code "(HFS–158)" is corrected to read "(HFS–306)".

2. On page 2432, in the third column, in line 3, "§§ 101.3(e)(4) and 101.13(d)" is corrected to read "§§ 101.3(e) and 101.13(d)".

3. On page 2435, in the third column, in the first full paragraph, in line 13, the phrase "the DRV of protein or the RDI" is corrected to read "the DRV of protein listed under § 101.9(c)(7)(iii) and of potassium listed under § 101.9(c)(9) and the RDI"; and in line 15, "§ 101.9(c)(7)(iv)" is corrected to read "§ 101.9(c)(8)(iv)".

4. On page 2438, in the third column, in the second full paragraph, in the ninth line from the bottom, the word "new" is removed.

5. On page 2441, in the second column, in line 3, the word "new" is removed.

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7314 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Parts 131, 133, 135, and 168

[Docket No. 90N–361D]

RIN 0905–AD08

Food Labeling; Declaration of Ingredients for Dairy Products and Maple Sirup; Confirmation of Effective Date; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date and correction.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of a final rule that appeared in the Federal Register of January 6, 1993 (58 FR 2888), and amended the U.S. standards of identity for dairy products and maple sirup to require the listing of the common or usual names of all ingredients in these standardized foods. The final rule was published with an inadvertent typographical error. This document also corrects that error.

DATES: The final rule published in the Federal Register of January 6, 1993 (58 FR 2888), and the correction published in this document are effective May 8, 1993. The final rule applies to the products initially labeled on or after this date.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5106.

SUPPLEMENTARY INFORMATION:

In the Federal Register of January 6, 1993, FDA published a final rule that amended the standards of identity for dairy products and maple syrup to require the listing of all ingredients in these standardized foods. Proceedings to amend these standards are subject to the provisions of section 701(e)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)(1)). Therefore, FDA gave interested persons until February 5, 1993, to file written objections or to request a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received in response to the final regulation. The agency is therefore confirming the effective date of May 8, 1993, for these amendments.

Further, the agency discovered an inadvertent typographical error in § 133.108. Accordingly, the agency is correcting this error.

The Correction

In FR Doc. 92–31523, appearing on page 2888 in the Federal Register of Wednesday, January 6, 1993, the following correction is made:

§ 133.108 [Corrected]

On page 2892, in § 133.108 *Brick cheese*, in the introductory text of paragraph (d), in the last line, the phrase "of this chapter, except that." is corrected to read "of this chapter, except that:".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7235 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 5

Delegations of Authority and Organization; National Childhood Vaccine Injury Act of 1986

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority by adding new authorities delegated by the Assistant Secretary for Health to the Commissioner of Food and Drugs (the Commissioner). The new authorities are under certain provisions of the Public Health Service Act (the PHS Act) and of the National Childhood Vaccine Injury Act of 1986. The authorities added are being further redelegated, from the Commissioner to the Director, Center for Biologics Evaluation and Research (CBER), and the Associate Director for Policy Coordination and Public Affairs, CBER.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 30857, 301–443–4976.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 13, 1988 (53 FR 22054), the Secretary of Health and Human Services (the Secretary) delegated to the Assistant Secretary for Health, with authority to redelegate, all the authorities vested in the Secretary under: (1) Part C, Subtitle 2 of Title XXI of the PHS Act (42 U.S.C. 300aa–25 *et*

seq.), as amended; and (2) sections 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300aa–1 note), as amended hereafter, excluding the authority to promulgate regulations and to submit reports to Congress.

In a notice that appeared in the **Federal Register** of September 16, 1988 (53 FR 36127), the Assistant Secretary for Health redelegated to the Commissioner the authority under: (1) Part C, Subtitle 2 of Title XXI of the PHS Act (42 U.S.C. 300aa–25 *et seq.*), as amended; and (2) sections 312, 313, and 314 of the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300aa–1 note), as amended hereafter, as follows:

(1) Section 2125 of the PHS Act—Provider and manufacturer recording and reporting (42 U.S.C. 300aa–25).

(2) Section 2127 of the PHS Act—Mandate for safer vaccines (42 U.S.C. 300aa–27).

(3) Section 2128 of the PHS Act—Manufacturer recordkeeping and reporting (42 U.S.C. 300aa–28).

(4) Section 312 of the National Childhood Vaccine Injury Act—Related studies.

(5) Section 313 of the National Childhood Vaccine Injury Act—Study of other vaccine risks.

(6) Section 314 of the National Childhood Vaccine Injury Act—Review of warnings, use instructions, and precautionary information.

FDA is amending § 5.10 *Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials*, by adding new § 5.10(a)(35) concerning these authorities redelegated to the Commissioner.

As provided for in the delegation from the Assistant Secretary for Health, the Commissioner is further redelegating these authorities to the Director, CBER, and the Associate Director for Policy Coordination and Public Affairs, CBER, by adding a new § 5.29 *Functions pertaining to safer vaccines*. Pursuant to 21 CFR 5.20(f), the authorities in § 5.29 may not be redelegated. Authority delegated to a position by title may be exercised by a person officially designated to serve in that position in an acting capacity or on a temporary basis (21 CFR 5.20(d)).

List of Subject in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 is revised to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101, 2125, 2127, 2128 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1, 300aa–25, 300aa–27, 300aa–28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Pub. L. 99–660 (42 U.S.C. 300aa–1 note).

2. Section 5.10 is amended by adding paragraph (a)(35) to read as follows:

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a)* * *

(35) Functions vested in the Secretary under Part C, Subtitle 2 of Title XXI of the Public Health Service Act (42 U.S.C. 300aa–25 *et seq.*), as amended, and the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300aa–1 note), as amended hereafter, as follows:

(i) Section 2125 of the Public Health Service Act (42 U.S.C. 300aa–25)—Recording and reporting of information.

(ii) Section 2127 of the Public Health Service Act (42 U.S.C. 300aa–27)—Mandate for safer childhood vaccines.

(iii) Section 2128 of the Public Health Service Act (42 U.S.C. 300aa–28)—Manufacturer recordkeeping and reporting.

(iv) Section 312 of the National Childhood Vaccine Injury Act of 1986—Related studies.

(v) Section 313 of the National Childhood Vaccine Injury Act of 1986—Study of other vaccine risks.

(vi) Section 314 of the National Childhood Vaccine Injury Act of 1986—Review of warnings, use instructions, and precautionary information.

(vii) The delegation excludes the authority to issue regulations and submit reports to Congress.

* * * * *

3. New § 5.29 is added to subpart B to read as follows:

§ 5.29 Functions pertaining to safer vaccines.

The Director, Center for Biologics Evaluation and Research (CBER), and the Associate Director for Policy Coordination and Public Affairs, CBER, are authorized to perform the functions of the Commissioner of Food and Drugs under Part C, Subtitle 2 of Title XXI of the Public Health Service Act (42 U.S.C. 300aa–25 *et seq.*), as amended, and the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 300aa–1 note), as amended hereafter, as follows:

(a) Section 2125 of the Public Health Service Act (42 U.S.C. 300aa–25)—Recording and reporting of information.

(b) Section 2127 of the Public Health Service Act (42 U.S.C. 300aa–27)—Mandate for safer childhood vaccines.

(c) Section 2128 of the Public Health Service Act (42 U.S.C. 300aa–28)—Manufacturer recordkeeping and reporting.

(d) Section 312 of the National Childhood Vaccine Injury Act of 1986—Related studies, except that the authority to provide for notice and opportunity for public hearing on the review of vaccines and related illnesses and conditions under sections 312(a) and 312(d) of the National Childhood Vaccine Injury Act of 1986 is not redelegated by the Commissioner.

(e) Section 313 of the National Childhood Vaccine Injury Act of 1986—Study of other vaccine risks, except that the authority to provide for notice and opportunity for public hearing on the establishment of guidelines regarding the risks to children of certain vaccines under section 313(a)(1)(B) and (b) of the National Childhood Vaccine Injury Act of 1986 is not redelegated by the Commissioner.

(f) Section 314 of the National Childhood Vaccine Injury Act of 1986—Review of warnings, use instructions, and precautionary information.

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7641 Filed 3–31–93; 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), Department of Justice.

ACTION: Interim rule and request for comments.

SUMMARY: This interim rule amends the list of exempt chemical preparations set forth in § 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:* April 1, 1993. Comments must be submitted on or before May 3, 1993.

ADDRESSES: Comments and objections should be submitted to the Director, 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 Director, Office of Diversion Control, Drug Enforcement Administration.

The Director, 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 Director 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 Director 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 for certain sections of the Controlled Substances Act of 1970 and its regulations. The Director, 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 Director 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 E.O. 12612, and it has been determined that this matter does not have sufficient federalism implications to require the preparation of a Federalism Assessment.

It has also been determined that drug control matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12291. Accordingly, this action is not subject to those provisions of E.O. 12778 which are contingent upon review by OMB. Nevertheless, the Director has determined that this is not a "major rule", as that term is used in standards of sections 2(a) and 2(b)(2) of E.O. 12778.

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 part 0.100) and redelegated to the Director, Office of Diversion Control, Drug Enforcement Administration, the Director of the Office of Diversion Control hereby amends 21 CFR part 1308 as set forth below:

PART 1308—SCHEDULES OF CONTROLED 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 section 1308.24(i), the table is revised to read as follows:

1308.24 Exempt chemical preparations.

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(i) * * *

Dated: March 24, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

EXEMPT CHEMICAL PREPARATIONS

Supplier	Product name	Form	Date
Aalto Scientific, LTD	Therapeutic Drug Monitoring Control Level I, II, III Freeze Dried.	Vial: 5 ml	04/09/91
Abbott Laboratories	125I Cholylglycyltyrosine Reagent Solution, No. 7816.	Plastic Bottle: 20 ml	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: 3.2 ml	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: 3.2 ml, Kit: 100 vials	04/18/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 3.2 ml, 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: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 5 ml, Amp: 20 ml, 10 ml, 5 ml, 2 ml.	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: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 5 ml, Amp: 20 ml, 10 ml, 5 ml, 2 ml.	06/08/92
Abbott Laboratories	Advisor Cocaine Bulk Tracer No. 77458	Flasks: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 5 ml, Amp: 20 ml, 10 ml, 5 ml, 2 ml.	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. 6A60–40.	Kit: 40 Discs	04/10/92
Abbott Laboratories	Advisor Opiates Bulk Tracer (in-process) No. 78692A.	Flasks: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 5 ml, Amp: 20 ml, 10 ml, 5 ml, 2 ml.	06/08/92
Abbott Laboratories	Advisor Opiates Bulk Tracer No. 78692	Flasks: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 5 ml, Amp: 20 ml, 10 ml, 5 ml, 2 ml.	04/10/92
Abbott Laboratories	Advisor Reaction Disc No. 6A60B	Disc: 1 Card	04/10/92
Abbott Laboratories	Advisor Reaction Discs No. 6A60	Carton: 10 Discs	04/10/92
Abbott Laboratories	Amphetamine Bulk Calibrators, B–F	Carboy: 10L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	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	50 L, 45 L, 20 L, 10 L, 8 L, 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 125 ml, 100 ml, 50 ml, 30 ml, 20 ml, 15 ml, 10 ml, 5 ml, 2 ml.	03/01/88
Abbott Laboratories	Amphetamine Class Bulk Control L and H.	50 L, 45 L, 20 L, 10 L, 8 L, 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 125 ml, 100 ml, 50 ml, 30 ml, 20 ml, 15 ml, 5 ml, 2 ml.	03/01/88
Abbott Laboratories	Amphetamine Class Bulk Tracer: No. 94699.	50 L, 45 L, 20 L, 10 L, 8 L, 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 125 ml, 100 ml, 50 ml, 30 ml, 20 ml, 15 ml, 10 ml, 5 ml, 2 ml.	03/01/88
Abbott Laboratories	Amphetamine Class QC Primary B–F, L, M, H No. 9667 (B–F, L, M, H) QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	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: 20 L, 10 L Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/22/88
Abbott Laboratories	Amphetamine Stock Standard, No. 97072	Bottle: 125 ml	09/30/85
Abbott Laboratories	Amphetamine/Methamphetamine 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: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	11/22/88
Abbott Laboratories	Amphetamine/Methamphetamine II Bulk Calibrators B–F Code No. 1A99 (B–F).	20 L, 10 L, Carboy: 6 L, 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).	20 L, 10 L, Carboy: 6 L, 2 L, 1 L, 250 ml, 200 ml, Flask.	08/26/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5 ml.	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: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	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: 5 ml	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, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	02/20/91
Abbott Laboratories	Amphetamine/Methamphetamine II QC Primary 8QT No. 1A998QT–QC.	Carboy: 20 L, 10L; Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	10/25/91
Abbott Laboratories	Amphetamine/Methamphetamine II bulk Calibrator B, C, D, E, F, No. 01A99–B, C, D, E, F.	Carboy: 20 L, 10 L, 6 L, 2 L, 1 L, 250 ml, 200 ml.	07/14/89
Abbott Laboratories	Amphetamine/Methamphetamine II bulk Control L, M, H, No. 01A99–L, M, H.	Carboy: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	07/14/89
Abbott Laboratories	Barbital Buffer, 0.06 M Reagent Solution, No. 7824.	Plastic Bottle: 2.5 ml	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: 9.5, 19 L	07/01/88
Abbott Laboratories	Barbiturates Bulk Control L, H, No. 9669 L, H.	Carboy: 9.5, 19 L	07/01/88
Abbott Laboratories	Barbiturates Bulk Controls, No. 9669X, Y, Z.	Carboy: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	01/19/89
Abbott Laboratories	Barbiturates Control X, Y, Z,; No. 9669X, Y, Z.	Vial: 5 ml	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, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	02/20/91
Abbott Laboratories	Barbiturates II U Bulk Calibrators B–F; No. 9669 B–F–05.	Carboy: 20 L, 19 L, 10 L, 9.5 L, 6 L, 4 L, 2 L, 1 L, Flask: 250 ml, 200 ml.	10/17/89
Abbott Laboratories	Barbiturates II U Bulk Controls L, M, H; No. 9669 L, M, H–11.	Carboy: 20 L, 19 L, 10 L, 9.5 L, 6 L, 4 L, 2 L, 1 L, Flask: 250 ml, 200 ml.	10/17/89
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: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	10/17/89
Abbott Laboratories	Barbiturates II U QC Primary L, M, H; No. 9669 L, M, H–11 QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	10/17/89
Abbott Laboratories	Barbiturates QC Primary B–F, L, M, H, No. 9669 (B–F, L, M, H) QC.	Carboy: 10 L Flask: 4 L, 2 L, 1 L, 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: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	06/05/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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, 1–(L), 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: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	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: 5 ml	01/03/89
Abbott Laboratories	Barbiturates Serum Controls L, M, H; No. 9679 L, M, H.	Bottle: 5 ml	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: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	01/03/89
Abbott Laboratories	Benzodiazepine Serum QC Primary B–F, L, M, H, No. 9682 (B–F, L, M, H)–QC.	Carboy: 10 L Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	11/22/88
Abbott Laboratories	Benzodiazepines Bulk Calibrator No. 9674 B–F.	Carboy: 9.5, 19 L	07/18/88
Abbott Laboratories	Benzodiazepines Bulk Calibrators, B–F No. 9674.	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	04/21/86
Abbott Laboratories	Benzodiazepines Bulk Control L, H, No. 9674 L, H.	Carboy: 9.5, 19 L	07/18/88
Abbott Laboratories	Benzodiazepines Bulk Controls, L and H No. 9674.	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	04/21/86
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. 9674 NG/CO/PS–QC.	Carboy: 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	02/20/91
Abbott Laboratories	Benzodiazepines QC Primary, B–F, L, M, H No. 9674 (B–F, L, M, H) QC.	Carboy: 10 L Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5 ml.	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: 20 L, 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/23/88
Abbott Laboratories	Benzoylecgonine Stock Standard, No. 97182.	Bottle: 125 ml	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: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	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: 5 ml	01/19/89
Abbott Laboratories	Cannabinoids Bulk Calibrators B–F	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	10/24/86
Abbott Laboratories	Cannabinoids Bulk Controls L, M, H	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	10/24/86
Abbott Laboratories	Cannabinoids Bulk Tracer (No. 94192)	Carboy: 50 L, 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1L.	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, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	02/20/91
Abbott Laboratories	Cannabinoids QC Primary 8QT No. 9671–11 8QT–QC.	Carboy: 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	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: 10 L, Flask: 4 L, 2 L, 500 ml, 250 ml, 100 ml, 200 ml, Bottle: 5 ml.	12/27/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Abbott Laboratories	Cannabinoids QC Primary NBS, B–F, L, M, H; No. 9671 (NBS, B–F, L, M, H)–QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	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 10 mcg/ml—No. 94568, 5 mcg/ml—No. 94568A, 1 mcg/ml—No. 94568B.	Carboy: 20 L, 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, bottle: 950 ml, 500 ml, 100 ml, 5 ml.	12/27/89
Abbott Laboratories	Cannabinoids Stock Standard 10 mcg/ml—No. 94193, 5 mcg/ml—No. 94193A, 1 mcg/ml—No. 94193B.	Carboy: 20 L, 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, bottle: 950 ml, 500 ml, 100 ml, 5 ml.	12/27/88
Abbott Laboratories	Cannabinoids Stock Tracer (No. 94194)	Flasks: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 30 ml, 5 ml, Amp: 20, 10, 5, 2 ml.	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: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	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: 20 ml	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: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	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: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	10/28/85
Abbott Laboratories	Cocaine Metabolite Bulk Controls, No. 9670X, Y, Z.	Carboy: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	01/19/89
Abbott Laboratories	Cocaine Metabolite Bulk Tracer, No. 97075.	Carboy: 50 L, 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1L.	10/30/85
Abbott Laboratories	Cocaine Metabolite Control X, Y, Z; No. 9670X, Y, Z.	Vial: 5 ml	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, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	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, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	10/28/91
Abbott Laboratories	Cocaine Metabolite QC Primary 8QT No. 9670 8QT–QC.	Carboy: 20, 10L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	10/25/91
Abbott Laboratories	Cocaine Metabolite QC Primary B–F, L, M, H, No. 9670 (B–F, L, M, H)–QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Abbott Laboratories	Cocaine Metabolite QC Primary X, No. 9670X–QC; Primary Z, No. 9670Z–QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	06/05/89
Abbott Laboratories	Cocaine Metabolite Stock Tracer, No. 97156.	Flasks: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 30 ml, 5 ml, Amp: 20, 10, 5, 2 ml.	10/30/85
Abbott Laboratories	High Multiconstituent (9) Stock Standard Cat. No. 92622.	Carboy: 50, 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	07/02/91
Abbott Laboratories	Low Multiconstituent (9) Stock Standard Cat. No. 92620.	Carboy: 50, 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	07/02/91
Abbott Laboratories	Low, Medium, High Multiconstituent Stock Standards, No. 90967, 90968, 90969.	Carboy: 10, 20 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	10/06/89
Abbott Laboratories	Medium Multiconstituent (9) Stock Standard Cat. No. 92621.	Carboy: 50, 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	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, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	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: 125 ml	10/16/85
Abbott Laboratories	Morphine Stock Standard No. 97291 A–B	Carboy: 20 L, 10 L Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/22/88
Abbott Laboratories	Multiconstituent (9) QC Control H Cat. No. 92625.	Carboy: 50, 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	07/02/91
Abbott Laboratories	Multiconstituent (9) QC Control L Cat. No. 92623.	Carboy: 50, 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	07/02/91
Abbott Laboratories	Multiconstituent (9) QC Control M Cat. No. 92624.	Carboy: 50, 20, 10 L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	07/02/91
Abbott Laboratories	Multiconstituent Bulk Controls L, M, H (No. 9687–L, M, H).	Carboy: 20 L, 10 L, Flask: 10 L, 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	09/03/87
Abbott Laboratories	Multiconstituent Control for Abused Drug Assays Bulk L, M, H, No. 9687–L, M, H.	Carboy: 20 L, 10 L, 19 L, 9.5 L, 6 L, 4 L, 1 L, Flask: 250 ml, 200 ml.	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
Abbott Laboratories	Multiconstituent Control for Abused Drug Assays QC Primaries L, M, H, No. 9687–L, H, H–QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Abbott Laboratories	Nordiazepam Serum Stock Standard No. 94941, 94941 A, B.	Carboy: 20 L, 10L Flask: 4 L, 2 L, 1 L, 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: 20 L, 10L Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/22/88
Abbott Laboratories	Nordiazepam Stock Standard, No. 97757	Bottle: 125 ml	04/21/86
Abbott Laboratories	Opiate Bulk Calibrators, B–F No. 9673	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	05/07/86
Abbott Laboratories	Opiate Bulk Controls, L and H, No. 9673	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	05/07/86
Abbott Laboratories	Opiates Bulk Controls, No. 9673X, Y, Z	Carboy: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	01/19/89
Abbott Laboratories	Opiates Bulk Tracer, No. 97458	Carboy: 50 L, 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1L.	05/07/86
Abbott Laboratories	Opiates Control X, Y, Z, No. 9673X, Y, Z	Vial: 5 ml	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: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5 ml.	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, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	02/20/91
Abbott Laboratories	Opiates QC Primary 8QT No. 9673 8QT–QC.	Carboy: 20, 10L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	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, Primary Z, No. 9673Z–QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	06/05/89
Abbott Laboratories	Opiates Stock Tracer, No. 98718	Flasks: 6 L, 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottles: 950 ml, 500 ml, 100 ml, 50 ml, 30 ml, 5 ml; Amp: 20, 10, 5, 2 ml.	05/07/86
Abbott Laboratories	Phencyclidine Bulk Calibrator, B–F, No. 9672.	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	03/21/86
Abbott Laboratories	Phencyclidine Bulk Control M, No. 9672	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	09/26/86
Abbott Laboratories	Phencyclidine Bulk Controls, L and H, No. 9672.	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	03/21/86
Abbott Laboratories	Phencyclidine Bulk Controls, No. 9672X, Y, Z.	Carboy: 20 L, 10 L, Flask: 6 L, 2 L, 1 L, 250 ml, 200 ml.	01/19/89
Abbott Laboratories	Phencyclidine Control X, Y, Z; No. 9672X, Y, Z.	Vial: 5 ml	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: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5, ml.	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, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	02/20/91
Abbott Laboratories	Phencyclidine QC Primary 8QT, No. 9672 8QT–QC.	Carboy: 20, 10L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	10/25/91
Abbott Laboratories	Phencyclidine QC Primary X, No. 9672X–QC, Primary Z, No. 9672Z–QC.	Carboy: 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	06/05/89
Abbott Laboratories	Phencyclidine Stock Standard No. 97158, 97158 A–B.	Carboy: 20 L, 10L Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/22/88
Abbott Laboratories	Phencyclidine Stock Standard, No. 95356	Flask: 100 ml, 200 ml, 250 ml, 500 ml, 1 L, 2 L, 4 L, Bottle: 5 ml, 100 ml, 500 ml, 950 ml, Carboys: 10 L, 20L.	04/18/89
Abbott Laboratories	Phencyclidine Stock Standard, No. 97158	Bottle: 125 ml	11/21/85
Abbott Laboratories	Phenobarbital Enzyme Inhibitor Stock	Vial: 2 ml	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, 1 L, 500, 250, 200, 100 ml, Bottles: 950, 500, 100, 50, 5 ml, Ampules: 20, 10, 5, 2 ml.	01/04/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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, 1 L, 500, 250, 200, 100 ml, Bottles: 950, 500, 100, 50, 5 ml, Ampules: 20, 10, 5, 2 ml.	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: 30 ml	03/11/92
Abbott Laboratories	Progesterone Buffer No. 2242J0001	Box: 100 Bottles/30 ml	03/11/92
Abbott Laboratories	Progesterone Bulk Buffer No.12918	Carboy: 50 L, 25 L, 20 L, 19 L, 15 L, 13 L, 10 L, 9L, Bottle: 950 ml, 500 ml, 100 ml, 50 ml, 30 ml, 20 ml, Amp: 20 ml, 10 ml, 5 ml, 2 ml.	05/11/92
Abbott Laboratories	Progesterone Reagent Pack No. 2242–20.	Kit: 4 Bottles	03/11/92
Abbott Laboratories	Propoxyphene Bulk Calibrator B–F Item No. 9675(B–F).	Carboys or Flasks: 20 L, 19 L, 10 L, 9.5 L, 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	11/30/90
Abbott Laboratories	Propoxyphene Bulk Control L, M, H List No. 9675(L, M, H).	Carboys or Flasks: 20 L, 19 L, 10 L, 9.5 L, 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	11/30/90
Abbott Laboratories	Propoxyphene Bulk Tracer Item No. 92003.	Carboys or Flasks: 20 L, 19 L, 10 L, 9.5 L, 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	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: 5 ml	11/30/90
Abbott Laboratories	Propoxyphene Controls Item No. 9675–10.	Kit: 3 vials	11/30/90
Abbott Laboratories	Propoxyphene Controls Item No. 9675 L, M, H.	Vial: 5 ml	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, 1 L, 500, 250, 200, 100 ml, Bottles: 950, 500, 100, 50, 5 ml, Ampules: 20, 10, 5, 2 ml.	11/30/90
Abbott Laboratories	Propoxyphene QC Primary NG, CO, PS No. 9675 NG/CO/PS–QC.	Carboy: 20, 10L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950 ml, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	02/20/91
Abbott Laboratories	Propoxyphene Stock Standard, 100 mcg/ml Item No. 92005.	Carboy: 20, 10L, Flasks: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottles: 950, 500, 100, 50, 5 ml, Ampules: 20, 10, 5, 2 ml.	11/30/90
Abbott Laboratories	Propoxyphene Stock Tracer Item No. 92001.	Bottle: 12 ml	11/30/90
Abbott Laboratories	Propoxyphene Tracer Item No. 9675–T	Bottles: 3.2 ml, 5 ml	11/30/90
Abbott Laboratories	Secobarbital Bulk Calibrator, B–F No. 9669.	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	03/21/86
Abbott Laboratories	Secobarbital Bulk Controls, L and H No. 9669.	Carboy: 20 L, 10 L, Flask: 6 L, 4 L, 2 L, 1 L, 250 ml, 200 ml.	03/21/86
Abbott Laboratories	Secobarbital Stock Standard 1000 mcg/ml—No. 90107, 500 mcg/ml—No. 90107A, 200 mcg/ml—No. 90107B.	Carboy: 20 L, 10 L, Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	01/03/89
Abbott Laboratories	Secobarbital Stock Standard No. 97171, 97171 A, B.	Carboy: 20 L, 10L, Flask: 4 L, 2 L, 1 L, 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: 125 ml	11/21/85
Abbott Laboratories	Spectrum Phenobarbital Calibrator II–VI, Nos. 9755, 9757, 9759, 9761, 9763.	Bottle: 4 ml	10/03/85
Abbott Laboratories	Spectrum Phenobarbital Control, Nos. 9876, 9878, 9880. (L, M, H).	Bottle: 4 ml	10/03/85
Abbott Laboratories	TDx Amphetamine Class Calibrators 9667–01.	Kit containing 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 containing 2 vials	03/01/88
Abbott Laboratories	TDx Amphetamine Class Reagent Pack, No. 9667–60.	Kit containing 1 vial	03/01/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 4 ml	08/23/85
Abbott Laboratories	TDx Amphetamine/Methamphetamine Controls, No. 9668–10.	Bottles: 4 ml	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: 4 ml	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: 4 ml	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: 4 ml	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: 4 ml, 5 ml	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 containing 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 containing 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
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: 4 ml	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: 4 ml	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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 5 ml	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: 5 ml	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: 5 ml, 100 tests	05/07/86
Abbott Laboratories	TDx Phencyclidine Bulk Calibrator B–F No. 9672 B–F.	5 ml Vial	07/18/88
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 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: 4 ml	10/09/85
Abbott Laboratories	TDx Phencyclidine Control M No. 9672	Bottle: 4 ml	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: 4 ml	10/09/85
Abbott Laboratories	TDx Phenobarbital Bulk Calibrators No. 9500 B–F.	Carboy: 10 L, 20 L	06/16/88
Abbott Laboratories	TDx Phenobarbital Bulk Calibrators No. 9500 L, M, H.	Carboy: 10 L, 20 L	06/16/88
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.	5 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	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
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: 13 ml. Plastic Bottle: 250 ml	04/22/76
Abbott Laboratories	TrakPak Five Drug Control 2–6 QT Nos. 92212–92216.	Carboy: 20, 10L Flask: 6, 4, 2, 1 L, 500, 250, 200, 100, ml Bottle: 950, 500, 100, 50, 5 ml Ampule: 20, 10, 5, 2 ml.	10/19/90
Abbott Laboratories	TrakPak Five Drug Control 8QT No. 93349.	Carboy: 20, 10l, FlaskL: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	10/25/91
Abbott Laboratories	TrakPak Five Drug Control Stock No. 92210.	Carboy: 20, 10L, Flask: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottle: 950, 500, 100, 50, 5 ml, Ampule: 20, 10, 5, 2 ml.	10/19/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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, 1 L, 500, 250, 200, 100 ml, Bottles: 950, 500, 100, 50, 5 ml, Ampules: 20, 10, 5, 2 ml.	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: 5 ml	03/08/91
Abbott Laboratories	Trakpak Opiates Tracer Code #92198	Flasks: 6, 4, 2, 1 L, 500, 250, 200, 100 ml, Bottles: 950, 5, 00, 100, 50, 5 ml, Ampules: 20, 10, 5, 2 ml.	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, 1 L, 500, 250, 200, 100 ml, Bottles: 950, 500, 100, 50, 5 ml, Ampules: 20, 10, 5, 2 ml.	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: 5 ml	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: 5 ml	05/15/92
Abbott Laboratories	d-Amphetamine (II) Bulk Stock Standard Code No. 95947.	10 L Carboy, 6 L, 2 L, 1 L Flask	08/26/88
Abbott Laboratories	d-Amphetamine (II) Stock Standard Code No. 95934.	1 L, 500 ml, 100 ml Bottle	08/26/88
Abbott Laboratories	d-Amphetamine (II) Stock Standard No. 95934, 95934 A–B.	Carboy: 20 L, 10 L Flask: 4 L, 2 L, 1 L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	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: 10 ml	05/03/73
Adri/Technam	5–Ethyl-5-(1–Carboxy-n-propyl) Barbituric Acid-Rabbit Serum Albumin.	Vaccine Vial: 10 ml	05/03/73
Adri/Technam	Barbiturate Standard	Screw-cap vial: 10 ml	07/17/76
Adri/Technam	Barbituric Acid Sensitized Red Blood Cells.	Vaccine Vial: 50 ml	05/03/73
Adri/Technam	Benzoyl Ecgonine	Screw-cap vial: 10 ml	04/18/74
Adri/Technam	Benzoyl Ecgonine Sensitized Red Blood Cells.	Vaccine Vial: 50 ml	05/03/73
Adri/Technam	Benzoyl Ecgonine Standard	Screw-cap vial: 10 ml	07/17/76
Adri/Technam	Benzoyl Ecgonine-BSA	Vaccine Vial	07/21/75
Adri/Technam	Benzoyl Ecgonine-RSA	Vaccine Vial	07/21/75
Adri/Technam	CMM–BSA and CMM–RSA (Carboxymethylmorphine Bovine Serum Albumin or Carboxymethylmorphine Rabbit Serum Albumin).	Vaccine Vial: 10 ml	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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 10 ml	07/17/76
Adri/Technam	Morphine Sensitized Red Blood Cells	Vaccine Vial: 50 ml	05/03/73
Adri/Technam	Morphine Standard (in distilled water)	Screw-cap vial: 10 ml	07/17/77
Adri/Technam	Tropinecarboxylic Acid (ecgonine)	Screw-cap Bottle: 10 ml	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 7.5µg, 50µg, 250µg.	Amber Ampoule: 1 ml	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: 1 ml	02/16/90
Alltech-Applied Science	N-Hydroxy-MDA	Amber Ampoule: 1 ml	02/16/90
Alltech-Applied Science	Normeperidine HCl	Vial: 1 ml	06/16/89
Alltech-Applied Science	Phenmetrazine HCl	Amber Ampoule: 1 ml	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: 5 ml	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: 15 ml	04/08/91
American Monitor Corporation	Qualify I	Glass Vial: 10 ml	10/09/75
American Monitor Corporation	Qualify II	Glass Vial: 10 ml	10/09/75
Amersham Corporation	5 Alpha-Dihydro[1,2,4,5,6,7-3H]Testosterone Cat. No. TRK.443.	Vial: 6 ml	04/02/91
Amersham Corporation	5 alpha-Dihydro[1 alpha, 2 alpha(n)-3H] Testosterone Cat. No. TRK.395.	Vial: 6 ml	04/02/91
Amersham Corporation	5 alpha-dihydro[1,2,4,5,6,7-3H] Testosterone Reagent 4 T/DHT RIA Kit.	Vial: 1 ml	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: 5.8 ml, 38.1 ml, 240 tests, 144 tests.	05/30/89
Amersham Corporation	Amerlite Rubella Antibody Assay, Cat. Code LAN.0200, Cat. Code LAN.2200.	Glass vial: 5.8 ml, 38.1 ml, 240 tests, 144 tests.	05/30/89
Amersham Corporation	Amerlite TSH Assay, Cat. Code LAN.0001, Cat. Code LAN.2001.	Glass vial: 5.8 ml, 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
Amersham Corporation	Dihydrotestosterone Standard Reagent 3 T/DHT RIA Kit.	Vial: 5.5 ml	04/11/91
Amersham Corporation	Morphine (N-methyl-C14) Hydrocloride No. CFA-363.	Vial: 0.32 to 1.89 mg	03/27/72
Amersham Corporation	Pheno [2-14C] barbital Catalog No. CFA 537.	Vial: 0.39 to 5.85 mg	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: 5.5 ml	04/11/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Amersham Corporation	Testosterone-3-(0-carboxymethyl)oximino-(2-[125I] iodohistamine)10µCi, 25µCi Cat. No. IM.128.	Vial: 1.2 ml	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: 0.002 mg to 0.015 mg	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: 6 ml	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: 6 ml	04/02/91
Amersham Corporation	[2(n)-3H] Lysergic Acid Diethylamide, No. TRK. 461.	Vial: 0.003 mg to 0.04 mg	05/22/74
Amersham Corporation	[2-14C] Diazepam Catalog No. CFA.591	Multidose Glass Vial: 56 mm x 25 mm	09/28/77
Amersham Corporation	[3H]11-Ketotestosterone Cat. No. TRQ.5919.	Vial: 5.7 ml	06/13/91
Amersham Corporation	[4-14C] Testosterone 50µCi, 250µCi Cat. No. CFA.129.	Vial: 6 ml	04/02/91
Amersham Corporation	[N-methyl-3H] Diazepam Catalog Code: TRK.572.	Multidose Glass Vial: 56 mm x 25 mm	09/28/77
Analytical Control Systems, Inc	Benchmark I TDM Control 1 L, 2M, 3H	Plastic Vial: 5 ml 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: 1 ml	01/24/73
Applied Science Laboratories	Alphaprodine HCl	Vial: 1 ml	04/16/85
Applied Science Laboratories	Alphenal	Vial: 1 ml	01/24/73
Applied Science Laboratories	Alprazolam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Amobarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Amphetamine HCl	Vial: 1 ml	01/24/73
Applied Science Laboratories	Aprobarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Barbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Barbiturates, Mixture 4	Vial: 10 ml	10/04/72
Applied Science Laboratories	Benzoylecgonine Tetrahydrate	Vial: 1 ml	04/16/85
Applied Science Laboratories	Benzphetamine HCl	Vial: 1 ml	04/16/85
Applied Science Laboratories	Butabarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Butethal	Vial: 1 ml	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: 1 ml	04/16/85
Applied Science Laboratories	Chlordiazepoxide HCl	Vial: 1 ml	04/16/85
Applied Science Laboratories	Clonazepam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Clorazepate Dipotassium	Vial: 1 ml	04/16/85
Applied Science Laboratories	Cocaine	Vial: 1 ml	01/24/73
Applied Science Laboratories	Codeine	Vial: 1 ml	01/24/73
Applied Science Laboratories	Delta-8-Tetrahydro-cannabinol	Vial: 1 ml	03/30/88
Applied Science Laboratories	Delta-9-Tetrahydrocannabinol	Vial: 1 ml	04/16/85
Applied Science Laboratories	Depressants, Mixture 3	Vial: 10 ml	10/04/72
Applied Science Laboratories	Dextropropoxyphene HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Diacetylmorphine HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Diallybarbituric acid	Vial: 1 ml	01/24/73
Applied Science Laboratories	Diazepam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Diethylpropion HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Dihydrocodeine	Vial: 1 ml	04/16/85
Applied Science Laboratories	Dimethyltryptamine	Vial: 1 ml	04/16/85
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: 1 ml	04/16/85
Applied Science Laboratories	Ecgonine Methyl Ester HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	Ethchlorvynol	Vial: 1 ml	01/24/73
Applied Science Laboratories	Ethinamate	Vial: 1 ml	01/24/73
Applied Science Laboratories	Ethylmorphine HCL	Vial: 1 ml	01/24/73
Applied Science Laboratories	Fenfluramine HCL	Vial: 1 ml	04/16/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Applied Science Laboratories	Fentanyl	Vial: 1 ml	04/16/85
Applied Science Laboratories	Flurazepam HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Glutethimide	Vial: 1 ml	01/24/73
Applied Science Laboratories	Halazepam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Hexobarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Hydrocodone Bitartrate	Vial: 1 ml	01/24/73
Applied Science Laboratories	Hydromorphone HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Levorphanol Tartrate	Vial: 1 ml	04/16/85
Applied Science Laboratories	Lorazepam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Lysergic Acid	Vial: 1 ml	04/16/85
Applied Science Laboratories	Lysergic Acid N-(methylpropyl) amide	Vial: 1 ml	04/16/85
Applied Science Laboratories	Lysergic Acid diethylamide	Vial: 1 ml	04/16/85
Applied Science Laboratories	MDA HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	MDMA HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	Meperidine HCL	Vial: 1 ml	01/24/73
Applied Science Laboratories	Mephobarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Meprobamate	Vial: 1 ml	01/24/73
Applied Science Laboratories	Mescaline	Vial: 1 ml	01/24/73
Applied Science Laboratories	Methadone HCL	Vial: 1 ml	01/24/73
Applied Science Laboratories	Methamphetamine HCL	Vial: 1 ml	01/24/73
Applied Science Laboratories	Methaqualone HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Methohexital	Vial: 1 ml	04/16/85
Applied Science Laboratories	Methylphenidate	Vial: 1 ml	01/24/73
Applied Science Laboratories	Methyprylon	Vial: 1 ml	04/16/85
Applied Science Laboratories	Mixture 1-Opiates	Vial: 1 ml	10/04/72
Applied Science Laboratories	Mixture 2–Stimulants	Vial: 1 ml	10/04/72
Applied Science Laboratories	Mixture 3–Depressants	Vial: 1 ml	10/04/72
Applied Science Laboratories	Mixture 4–Barbiturates	Vial: 1 ml	10/04/72
Applied Science Laboratories	Mixture 5–Kit of Representatives	Vial: 1 ml	10/04/72
Applied Science Laboratories	Morphine	Vial: 1 ml	01/24/73
Applied Science Laboratories	Nalorphine	Vial: 1 ml	01/24/73
Applied Science Laboratories	Nitrazepam	Vial: 1 ml	03/30/88
Applied Science Laboratories	Norcodeine HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Nordiazepam	Vial: 1 ml	03/30/88
Applied Science Laboratories	Normorphine	Vial: 1 ml	04/16/85
Applied Science Laboratories	Opiates, Mixture 1	Vial: 10 ml	10/04/72
Applied Science Laboratories	Oxazepam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Oxycodone HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Oxymorphone HCL	Vial: 1 ml	04/16/85
Applied Science Laboratories	Paraldehyde	Vial: 1 ml	04/16/85
Applied Science Laboratories	Pemoline	Vial: 1 ml	04/16/85
Applied Science Laboratories	Pentazocine	Vial: 1 ml	04/16/85
Applied Science Laboratories	Pentazocine HBr	Vial: 1 ml	01/24/73
Applied Science Laboratories	Pentobarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Phencyclidine HCL	Vial: 1 ml	01/24/73
Applied Science Laboratories	Phendimetrazine Bitartrate	Vial: 1 ml	04/16/85
Applied Science Laboratories	Phenobarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Phentermine	Vial: 1 ml	04/16/85
Applied Science Laboratories	Prazepam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Propylbenzoyl-ecgonine	Vial: 1 ml	03/30/88
Applied Science Laboratories	Psilocybin	Vial: 1 ml	04/16/85
Applied Science Laboratories	Psilocyn	Vial: 1 ml	11/06/87
Applied Science Laboratories	Secobarbital	Vial: 1 ml	01/24/73
Applied Science Laboratories	Stimulants, Mixture 2	Vial: 10 ml	10/04/72
Applied Science Laboratories	Temazepam	Vial: 1 ml	04/16/85
Applied Science Laboratories	Thebaine	Vial: 1 ml	01/24/73
Applied Science Laboratories	Thiamylal	Vial: 1 ml	01/24/73
Applied Science Laboratories	Toxi Clean Test Mix	Vial: 1 ml	03/30/88
Applied Science Laboratories	Triazolam	Vial: 1 ml	04/16/85
Armed Forces Institute of Pathology	11-nor-9-carboxy-delta 8–THC in Ethanol Ampules.	Glass Ampule: 1mg/ml, 1 ml, 5 ml, 10 ml	01/25/82
Astral Medical Systems	Barbital Buffer	Plastic bag: 12.2g/bag	05/01/85
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: 7–3 ml Vials; 3 ml Vial	08/18/88
BHP Diagnostix, Inc	Kallestad TDM Multi-Calibrator-Pilot-Lot Phenobarbital.	3 ml, 6 ml, 10 ml, 30 ml, 50 ml Vial	08/18/88
BHP Diagnostix, Inc	Kodak Ektachem-DT Calibrator	Bottle: 6 ml	01/05/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Baxter Diagnostics Inc., Dade Division	(125I) Human TSH Tracer, Cat. No. CA–2623.	Vial: 15 ml	12/07/89
Baxter Diagnostics Inc., Dade Division	Absorbed Plasma and Serum Reagents Kit B4233–2.	Glass Vial: 5 ml (Lyophilized Material)	08/16/71
Baxter Diagnostics Inc., Dade Division	Bovine Chemistry Control I.X Special Order Request B5107–55XX.	Bottle: 18 ml (Lyophilized Material)	01/29/86
Baxter Diagnostics Inc., Dade Division	Bovine Chemistry Control II.X Special Order Request B5107–65XX.	Bottle: 18 ml (Lyophilized Material)	01/29/86
Baxter Diagnostics Inc., Dade Division	Buffered Thrombin (Bovine) Catalog No. B4233–40.	Bottle: 5 ml (Lyophilized Material)	01/24/86
Baxter Diagnostics Inc., Dade Division	Dade IAC.X Comprehensive Immuno-Assay Control, Tri-Level Unassayed.	Kit: 6 bottles	08/27/91
Baxter Diagnostics Inc., Dade Division	Dade Immunoassay Control, Level I–Low	Bottle: 9 ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc., Dade Division	Dade Immunoassay Control, Level II–Intermediate.	Bottle: 9 ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc., Dade Division	Dade Immunoassay Control, Level III–High.	Bottle: 9 ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc., Dade Division	Dade Immunoassay Controls, Tri-Level	Kit: 3 bottles	04/25/86
Baxter Diagnostics Inc., Dade Division	Dade TDM Control Level I–Low B5700–2	Glass Vial: 9 ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc., Dade Division	Dade TDM Control Level II–Intermediate B5700–3.	Glass Vial: 9 ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc., Dade Division	Dade TDM Control Level III–High B5700–4.	Glass Vial: 9 ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc., Dade Division	Dade Therapeutic Drug Monitoring (TDM) Controls (Catalog No. B5700–1).	Kit: 9 Vials	03/10/87
Baxter Diagnostics Inc., Dade Division	Dade Urine Chemistry Control Level I, II	Kit: 10 Bottles; Bottle: 18 ml	08/02/91
Baxter Diagnostics Inc., Dade Division	Data-Fi Euglobulin Lysis Set Cat. No. B4233–40.	Kit: 70 Tests	09/09/86
Baxter Diagnostics Inc., Dade Division	Data-Fi Fibrin Monomer Control Catalog Nos. B4233–30 & B4233–38.	Glass Vial: 5 ml (Lyophilized Material)	01/24/86
Baxter Diagnostics Inc., Dade Division	Data-Fi Fibrinogen Determination Reagents Cat. No. B4233–15.	Kit: 50 tests	09/09/86
Baxter Diagnostics Inc., Dade Division	Data-Fi Protamine Sulfate Reagents Kit (Catalog No. B4233–30).	Kit: 10 Vials	03/10/87
Baxter Diagnostics Inc., Dade Division	Data-Fi Thrombin Reagent	Bottle: 5 ml (Lyophilized Material) Vial: 9 ml Carton: 10 vials, Cat. No. 28 10 09.	05/18/81
Baxter Diagnostics Inc., Dade Division	Data-Fi Thrombin Reagent	Bottle: 9 ml (Lyophilized Material)	07/20/83
Baxter Diagnostics Inc., Dade Division	Immunoassay Control Level I–III Unassayed.	Bottle: 9 ml	08/27/91
Baxter Diagnostics Inc., Dade Division	Moni-Trol Level I Chemistry Control, Assayed, Special Order Request. B5103–XXX.	Bottle: 9 ml (Lyophilized Material)	01/20/84
Baxter Diagnostics Inc., Dade Division	Moni-Trol Level I.X Special Order Request B5106–5X.	Bottle: 18 ml (Lyophilized Material)	06/30/83
Baxter Diagnostics Inc., Dade Division	Moni-Trol Level II Chemistry Control, Assayed, Special Order Request. B5103–XXX, B5113–XXX.	Bottle: 9 ml (Lyophilized Material)	01/20/84
Baxter Diagnostics Inc., Dade Division	Moni-Trol Level II.X Special Order Request B5106–6X.	Bottle: 18 ml (Lyophilized Material)	06/30/83
Baxter Diagnostics Inc., Dade Division	Moni-Trol. ES Level I Chemistry Control, Assayed..	Bottles: 9 ml, 6.7 ml (Lyophilized Material).	07/15/83
Baxter Diagnostics Inc., Dade Division	Moni-Trol. ES Level I.X Special Order Request Catalog No. B5106–75AAA Catalog No. B5106–1XAAA.	Bottle: 18 ml, 9 ml (Lyophilized Material)	06/27/86
Baxter Diagnostics Inc., Dade Division	Moni-Trol. ES Level II Chemistry Control, Assayed.	Bottle: 9 ml, 6.7 ml (Lyophilized Material)	07/15/83
Baxter Diagnostics Inc., Dade Division	Moni-Trol. ES Level II.X Special Order Request Catalog No. B5106–85AAA Catalog No. B5106–2XAAA.	Bottle: 18 ml, 9 ml (Lyophilized Material)	06/27/86
Baxter Diagnostics Inc., Dade Division	Owren's Veronal Buffer	Bottle: 18 ml	08/16/71
Baxter Diagnostics Inc., Dade Division	Stratus Phenobarbital Calibrators B, C, D, E, & F.	Glass Vial: 3 ml	06/27/83
Baxter Diagnostics Inc., Dade Division	Stratus Phenobarbital Conjugate	Glass Vial: 6 ml	01/25/82
Baxter Diagnostics Inc., Dade Division	Stratus Phenobarbital Fluorometric Enzyme Immunoassay Kit (Catalog No. B5700–22).	Kit: 120 tests	03/10/87
Baxter Diagnostics Inc., Dade Division	Thrombin Reagent (Bovine)	Bottle: 5 ml (Lyophilized Material) Vial: 5 ml Carton: 10 vials, Cat. No. 28 10 12.	08/16/71
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: 5 ml	10/29/80

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Beckman Instruments, Inc	Beckman ICS Drug Control Sera	Kit containing: 6–1 ml bottles	11/11/80
Beckman Instruments, Inc	Beckman ICS Phenobarbital Conjugate	Vial: 5 ml	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: 3.5 ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Paragon Electrophoresis System: High Resolution Electrophoresis (HRE) Kit.	Plastic Tray: 3.5 ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Paragon Electrophoresis System: Immunoelectrophoresis (IEP) Kit.	Plastic Tray: 3.5 ml, Box: 10 trays, Kit: 10 trays.	05/19/89
Beckman Instruments, Inc	Paragon Electrophoresis System: Immunofixation Electrophoresis (IFE) Kit.	Plastic Tray: 3.5 ml	07/31/86
Beckman Instruments, Inc	Paragon Electrophoresis System: Lactate Dehydrogenase Isoenzyme Electrophoresis (LD) Kit.	Plastic Tray: 3.5 ml	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: 3.5 ml	07/31/86
Beckman Instruments, Inc	Paragon Electrophoresis System: Serum Protein Electrophoresis (SPE) Kit.	Plastic Tray: 3.5 ml, 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: 20 ml; Kit: 6 bottles	05/13/91
Beckman Instruments, Inc	Triad LINK Comprehensive Custom Unassayed Chemistry Control Serum Levels I, II, III.	Plastic Bottle: 20 ml; Box: 20 Bottles	05/13/91
Beckman Instruments, Inc	Triad NYSPATH Comprehensive Custom Unassayed Chemistry Control Serum Levels I, II, III.	Plastic Bottle: 20 ml; Box 20 Bottles	05/13/91
Beckman Instruments, Inc	Vigil PRx Multilevel Protein/Drug Control Serum Levels I, II, III.	Plastic Bottle: 10 ml; 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: 125 ml	01/15/92
Becton Dickinson & Company	T3 Tracer Solution Catalog No. 237728	Bottle: 125 ml	09/27/78
Becton Dickinson & Company	TSH [125I] Tracer, Catalog No. 259624	Clear vial: 10 ml	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: 250 ml, 100 ml, 50 ml	07/07/92
Bio-Metric Systems, Incorporated	Cocaine-ImmunoPrime Modified Carrier	Vial: 50 ml, 10 ml	07/07/92
Bio-Metric Systems, Incorporated	Morphine-Enzyme Conjugate	Vial: 250 ml, 100 ml, 50 ml	07/07/92
Bio-Metric Systems, Incorporated	Morphine-ImmunoPrime Modified Carrier	Vial: 50 ml, 10 ml	07/07/92
Bio-Metric Systems, Incorporated	Phencyclidine-Enzyme Conjugate	Vial: 250 ml, 100 ml, 50 ml	07/07/92
Bio-Metric Systems, Incorporated	Phencyclidine-ImmunoPrime Modified Carrier.	Vial: 50 ml, 10 ml	07/07/92
Bio-Metric Systems, Incorporated	Tetrahydrocannabino-Enzyme Conjugate	Vial: 250 ml, 100 ml, 50 ml	07/07/92
Bio-Metric Systems, Incorporated	Tetrahydrocannabinol-ImmunoPrime Carrier.	Vial: 50 ml, 10 ml	07/07/92
Bio-Rad Laboratories	Benzodiazepines/Tricyclic Antidepressants by HPLC.	Kit: 100 tests	02/08/90
Bio-Rad Laboratories	Dade Urine Chemistry Control Levels I AND II.	Vial: 20 ml, 50 ml	01/05/88
Bio-Rad Laboratories	Dade Urine Toxiology Control	Vial: 50 ml	01/05/88
Bio-Rad Laboratories	Internal Standard	Amber vial: 30 ml Flask: 200 ml–2000 ml	02/08/90
Bio-Rad Laboratories	Lyphochek Therapeutic Drug Monitoring Control (TDM), Levels I, II, III.	Vial: 10 ml	08/20/84
Bio-Rad Laboratories	Lypochek Immunoassay Control Levels I, II, III.	Vial: 10 ml	09/24/87
Bio-Rad Laboratories	Lypochek Quantitative Urine Control Levels I and II.	Vial: 20 ml, 50 ml	09/24/87
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: 60 ml, 260 ml	05/06/81

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Bio-Rad Laboratories	Quantaphase Thyroxine RIA–Thyroxine Immunobeads.	Plastic bottle: 60 ml, 260 ml	05/06/81
Bio-Rad Laboratories	Quantimune Barbital Buffer	Plastic Bottle: 1000 ml, 250 ml, 200 ml	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: 220 ml	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 Radio-Immunoassay 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: 20 ml, Flask: 1L–10L	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard Combination.	Vial: 20 ml, Flask: 250 ml–6000 ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard One	Vial: 20 ml, Flask: 250 ml–2500 ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard Two	Vial: 20 ml, Flask: 250 ml–5000 ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Urine Calibrator	Vial: 20 ml, Flask: 1L–10L	09/17/90
Bio-Rad Laboratories	Serum Calibrator 1	Amber vial: 20 ml, Polypropylene container: 20L.	02/08/90
Bio-Rad Laboratories	Serum Calibrator 2	Amber vial: 20 ml, 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: 385 ml	07/21/76
Bio-Rad Laboratories	Urine Toxicology Control No. C–470–25	Amber Vial: 50 ml	09/19/79
Bio-Rad Laboratories, (Chemical Division)	Barbital Buffer	Vial: 10 ml	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 Powder	Plastic bottle: 250 ml	07/21/76
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: 500 ml	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: 165 ml	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
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: 20 ml, Set: 6 vials	03/28/91
Bio-Rad Laboratories, (ECS Division)	Benzo/TCA Control Levels I & II	Vial: 10 ml, 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: 10 ml. each	04/13/88
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Immunoassay Plus Control Serum Levels 1–3.	Vial: 10 ml, Kit: 12 vials	09/14/90
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Urine Toxicology Control-Confirm.	Box: 10 vials, Vial: 50 ml	09/14/91
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Urine Toxicology Control-Law.	Vials: 20 ml. each	04/13/88
Bio-Rad Laboratories, (ECS Division)	LYPHOCHEK Urine Toxicology Control-Screen.	Box: 10 vials, Vial: 20 ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Amphetamines	Bottle: 90 ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Cocaine	Bottle: 90 ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Marihuana	Bottle: 90 ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Opiates	Bottle: 90 ml	09/14/90
Bio-Rad Laboratories, (ECS Division)	Positive for Phencyclidine	Bottle: 90 ml	09/14/90
Biodiagnostic International	Liqui-Ura Toxic Control	Vial: 5 ml	03/11/85
Bioscientific Corp.	ECA Buffer, Catalog No. ECA 05805	Plastic Packet: 18.0 g., 10 packets per box.	07/14/77

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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"5", 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: 2 ml	05/26/92
Biosite Diagnostics	Alprazolam Threshold Control Calibrators 2–6, 31446–31450.	Flask: 250 ml	05/26/92
Biosite Diagnostics	Amphetamine Enzyme Conjugate 31111, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Amphetamine QC Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	Amphetamine QC Control (Bulk)	Bottle: 0.5L–10L	10/29/91
Biosite Diagnostics	Barbiturate Conjugate	Plastic Bottles: 2 ml–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: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Barbiturate QC Control	Vial: 5 ml	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: 250 ml	05/26/92
Biosite Diagnostics	Benzodiazepine Controls, 1–6 31088–31093, 7–11 31098–31102, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/91
Biosite Diagnostics	Benzodiazepine QC Control 3	Vial: 5 ml	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 1	Vial: 5 ml	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 1 (Bulk)	Bottle: 0.5L–10L	10/29/91
Biosite Diagnostics	Benzodiazepines QC Control 2	Vial: 5 ml	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: 2 ml–60 ml	11/30/90
Biosite Diagnostics	Benzoylecgonine Conjugate II, III, IV, & V	Vial: 1.5 ml	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: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Benzoylecgonine Enzyme Conjugate 31105, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Benzoylecgonine Enzyme Conjugate II	Vial: 1.5 ml	03/14/91
Biosite Diagnostics	Benzoylecgonine Standards, 1–6 31035–31040, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Benzoylecgonine Stock Solution, 31322	Vial: 2 ml	05/26/92
Biosite Diagnostics	Benzoylecgonine Threshold Control Calibrators 2–6, 31341–31345.	Flask: 250 ml	05/26/92
Biosite Diagnostics	Cocaine QC Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	Cocaine QC Control (Bulk)	Bottle: 0.5L–10L	10/29/91
Biosite Diagnostics	Conjugate Beads (Bulk)	Bottles: 250 ml–1L	11/30/90
Biosite Diagnostics	D-Amphetamine Stock Solution, 31323	Vial: 2 ml	05/26/92
Biosite Diagnostics	D-Amphetamine Threshold Control Calibrator, 31376.	Flask: 250 ml	05/26/92
Biosite Diagnostics	D-Methamphetamine Stock Solution, 31324.	Vial: 2 ml	05/26/92
Biosite Diagnostics	D-Methamphetamine Threshold Control Calibrator, 31381.	Flask: 250 ml	05/26/92
Biosite Diagnostics	Flurazepam Enzyme Conjugate 31109, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Flurazepam Standards, 1–7 31081–31087, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Labeled Conjugate Mixture 4	Bottles: 10 ml–1 L	10/29/91
Biosite Diagnostics	Labeled Conjugate Mixture 5	Bottles: 10 ml–1 L	10/29/91
Biosite Diagnostics	Labeled Conjugate Mixture 7	Bottle: 20 L, 10 L, 5 L, 1 L	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: 10 ml–1 L	11/30/90
Biosite Diagnostics	Labelled Conjugate Mixture 2	Plastic Bottles: 10 ml-1 L	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: 10 ml–1 L	11/30/90
Biosite Diagnostics	Lorazepam Enzyme Conjugate 31108, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Biosite Diagnostics	Lorazepam Standards, 1–4, 31094–31097, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Methadone Control	Vial: 2 ml	12/22/92
Biosite Diagnostics	Methadone Standards 1–6	Vial: 2 ml, 50 ml	12/22/92
Biosite Diagnostics	Methadone Stock Solution	Vial: 2 ml, 50 ml	12/22/92
Biosite Diagnostics	Methamphetamine Enzyme Conjugate 31104, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Methamphetamine QC Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	Methamphetamine QC Control (Bulk)	Bottle: 5 L–10 L	10/29/91
Biosite Diagnostics	Morphine Conjugate	Plastic Bottles: 2 ml–60 ml	11/30/90
Biosite Diagnostics	Morphine Control 3	Vial: 2 ml, 50 ml	12/22/92
Biosite Diagnostics	Morphine Controls, 1–5, 31076–31080, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Morphine Enzyme Conjugate 31107, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Morphine Standard 6, 31220, Bulk Formulation.	Vial: 1.5 ml, 5–20 ml; Flask: 20–50 ml	03/14/91
Biosite Diagnostics	Morphine Standards, 1–5, 31071–31075, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Morphine Stock Solution, 31325	Vial: 2 ml	05/26/92
Biosite Diagnostics	Opiate QC Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	Opiate QC Control (Bulk)	Bottle: 0.5 L–10 L	10/29/91
Biosite Diagnostics	Opiate Threshold Control Calibrators 2–6, 31346–31350.	Flask: 250 ml	05/26/92
Biosite Diagnostics	PCP QC Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	PCP QC Control (Bulk)	Bottle: 0.5 L–10 L	10/29/91
Biosite Diagnostics	Phencyclidine Controls, 5–6, 31255–31256 Bulk Formulation.	Vial: 1.5 ml, 5–20 ml; Flask: 20–50 ml	03/14/91
Biosite Diagnostics	Phencyclidine Controls, 1–4, 31010–31013, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Phencyclidine Enzyme Conjugate 31103, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Phencyclidine Standards 1–4, 31006–31009, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Phencyclidine Standards 5–6, 31253–31254, Bulk Formulation.	Vial: 1.5 ml, 5–20 ml; Flask: 20–50 ml	03/14/91
Biosite Diagnostics	Phencyclidine Stock Solution, 31321	Vial: 2 ml	05/26/92
Biosite Diagnostics	Phencyclidine Threshold Control Calibrators 2–6, 31366–31370.	Flask: 250 ml	05/26/92
Biosite Diagnostics	Phenobarbital Controls, 1–8, 31063–31070, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Phenobarbital Standards, 1–8, 31055–31062, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	Secobarbital Stock Solution, 31326	Vial: 2 ml	05/26/92
Biosite Diagnostics	THC Conjugate	Plastic Bottles: 2 ml–60 ml	11/30/90
Biosite Diagnostics	THC Controls, 1–3, 31052–31054, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	THC Enzyme Conjugate 31106, Bulk Formulation.	Vial: 100 ml, 1.5 ml	10/24/90
Biosite Diagnostics	THC QC Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	THC QC Control (Bulk)	Bottle: 0.5 L–10 L	10/29/91
Biosite Diagnostics	THC Standards, 1–6 31046–31051, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	THC Threshold Control Calibrators 2–6, 31371–31375.	Flask: 250 ml	05/26/92
Biosite Diagnostics	Temazepam Stock Solution, 31337	Vial: 2 ml	05/26/92
Biosite Diagnostics	Temazepam Threshold Control Calibrators 2–6, 31451–31455.	Flask: 250 ml	05/26/92
Biosite Diagnostics	Threshold Control A & B	Vial: 5 ml	10/29/91
Biosite Diagnostics	Threshold Control A & B (Bulk)	Bottle: 1 L–20 L	10/29/91
Biosite Diagnostics	Triage 6 Panel for Drugs of Abuse	Metallic Pouch: 1 Each	10/05/92
Biosite Diagnostics	Triage DOA Demo Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	Triage DOA Demo Control (Bulk)	Bottle: 0.5 L–10 L	10/29/91
Biosite Diagnostics	Triage Drug Screen Control	Vial: 5 ml	10/29/91
Biosite Diagnostics	Triage Drug Screen Control (Bulk)	Bottle: 0.5 L–20 L	10/29/91
Biosite Diagnostics	Triage Panel for Drugs of Abuse	Box: 25 pouches	11/30/90
Biosite Diagnostics	Triage Test Device	Metallic Pouch: 1 each	11/30/90
Biosite Diagnostics	Triage-7 Conjugate Beads	Bottle: 1 L, 250 ml	12/22/92
Biosite Diagnostics	Triage-7 Device	Pouch: 1 cassette	12/22/92
Biosite Diagnostics	Triage-7 Panel for Drugs	Box: 25 cassettes	12/22/92
Biosite Diagnostics	d-Amphetamine Controls, 1–5, 31030–31034, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Biosite Diagnostics	d-Amphetamine Standards, 1–6, 31024–31029, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	d-Methamphetamine Controls 5–6, 31020, 31257 Bulk Formulation.	Vial: 1.5 ml, 20–50 ml; Flask: 20–50 ml	03/14/91
Biosite Diagnostics	d-Methamphetamine Controls, 1–4, 31020–31023, Bulk Formulation.	Vial: 50 ml, 1.5 ml	10/24/90
Biosite Diagnostics	d-Methamphetamine Standards, 1–6, 31014–31019, Bulk Formulation.	Vial: 50 ml, 1.5 ml	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
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 millicurie.	01/08/75
California Bionuclear Corporation	Secobarbital-2-C-14, Catalog No. 72675	Ampule: 50 microcuries, 0.1, 0.5, and 1.0 millicurie.	01/08/75
Cambridge Medical Diagnostics, Incorporated.	125I-Human Parathyroid Hormone 44–68	Vial: 5 ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	125I-Tetraiodothyronine	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	125I-Triiodothyronine	Vial: 11 ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Donkey Anti-Goat Gamma Globulin	Vial: 5 ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Parathyroid Hormone (Human 1–84) Standard.	6 Vials: 5 ml each	03/29/85
Cambridge Medical Diagnostics, Incorporated.	Parathyroid Hormone Assay Buffer	Vial: 10 ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T3 Antiserum (Rabbit)	Vial: 11 ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T3 Standard	Vial: 1 ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T4 Antiserum (Rabbit)	Vial: 11 ml	03/29/85
Cambridge Medical Diagnostics, Incorporated.	T4 Standard	Vial: 1 ml	03/29/85
Casco Standards	1-(1-Phenylcyclohexyl)pyrrolidine Cross-Reactant.	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	1-Phenylcyclohexylamine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/23/90
Casco Standards	1-[1-(2-thienyl)-cyclohexyl]-piperdine Cross-Reactant.	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/23/90
Casco Standards	1-[1-2(2-thienyl)-cyclohexyl]-pyrrolidine Cross-Reactant.	Cryo-vial: 1.1 ml Box: 25, 50, 75 Plastic Cup: 125 ml.	03/23/90
Casco Standards	11-OH-delta-8-THC Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	11-OH-delta-9THC Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	11-nor-delta-8-THC-9-carboxilic acid Cross-Reactant.	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	11-nor-delta-9-THC-9-carboxilic acid Cross-Reactant.	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials	03/21/90
Casco Standards	8-B-11-diOH-delta-9-THC Cross-Reactant.	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	8-B-OH-delta-9-THC Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Casco Standards	Allobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Alphenal Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Alprazolam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Amobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Aprobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Barbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Benzoylecgonine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Benzphetamine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Bromazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Butabarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Butalbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Butethal Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Cannabidiol Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Cannabinol Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Chlordiazepoxide Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Clonazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Cocaine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Cyclopentobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Diazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Ecgonine HCl Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Ecgonine-methyl ester HCl hydrate Cross-Reactant.	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Fenfluramine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Flunitrazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Flurazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Halazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Hexobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Lorazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	MDA Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	MDE Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	MDMA Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Medazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Midazolam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Nitrazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Nordiazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Oxazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Pentobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Casco Standards	Phencyclidine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/23/90
Casco Standards	Phenmetrazine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Phenobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Phentermine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Pinazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Prazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Propylhexedrine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Secobarbital Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Talbutal Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Temazepam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	Triazolam Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	d-Amphetamine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	d-Methamphetamine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	l-Amphetamine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Casco Standards	p-HO-Amphetamine Cross-Reactant	Cryo-vial: 1.1 ml Box: 25, 50, 75 vials Plastic Cup: 125 ml.	03/21/90
Ciba Corning Diagnostics Corp	AACC Tox	Glass Vial: 30 ml	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: 7 ml	03/26/91
Ciba Corning Diagnostics Corp	ACS FT4 Lite Reagent	Vial: 7 ml	03/26/91
Ciba Corning Diagnostics Corp	ACS FT4 Solid Phase	Vial: 26 ml	03/26/91
Ciba Corning Diagnostics Corp	ACS Ferritin Lite Reagent	Vial: 7 ml, kit: 50 Tests, 300 Tests	04/15/91
Ciba Corning Diagnostics Corp	ACS Ferritin Solid Phase	Vial: 26 ml, kit: 50 Tests, 300 Tests	04/15/91
Ciba Corning Diagnostics Corp	ACS HCG Solid Phase	Vial: 26 ml, kit: 50 Tests, 300 Tests	04/18/91
Ciba Corning Diagnostics Corp	ACS Magnetic Check	Plastic Vial: 26 ml	06/18/91
Ciba Corning Diagnostics Corp	ACS Magnetic Check II	Plastic Vial: 26 ml	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: 7 ml	07/22/91
Ciba Corning Diagnostics Corp	ACS T3 Solid Phase	Plastic Vial: 26 ml	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: 7 ml	03/26/91
Ciba Corning Diagnostics Corp	ACS T4 Solid Phase	Vial: 26 ml	03/26/91
Ciba Corning Diagnostics Corp	ACS Wash Check Solid Phase	Plastic Vial: 26 ml	06/18/91
Ciba Corning Diagnostics Corp	ALP Buffer Concentrate Cat. No. 470244	Plastic Bottle: 175 ml	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: 175 ml	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: 10 ml vial, 5 Vials each level.	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM I	Vial: 5 ml, 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: 5 ml, 10 vials	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM III	Vial: 5 ml, 10 vials	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TOX I, II	Kit: Contains: 10 ml vial, 5 Vials each level.	12/16/85
Ciba Corning Diagnostics Corp	Ciba Corning Urine II	Vial: 30 ml	05/22/85
Ciba Corning Diagnostics Corp	DAU I, No. 9076	Glass vial: 25 ml, Box: 10 vials	05/23/89
Ciba Corning Diagnostics Corp	DAU II, No. 9077	Glass Vial: 25 ml, Box: 10 vials	05/23/89
Ciba Corning Diagnostics Corp	DAU III, No. 9078	Glass vial: 25 ml, Box: 10 Vials	05/23/89
Ciba Corning Diagnostics Corp	DAU IV, No. 9079	Glass Vial: 25 ml, Box: 10 Vials	05/23/89
Ciba Corning Diagnostics Corp	DAU V, No. 9085	Glass Vial: 25 ml; 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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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
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: 5 ml, Box: 15 Vials	05/23/89
Ciba Corning Diagnostics Corp	L-TDM III	Glass Vial: 5 ml, 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: 10 ml	06/21/90
Ciba Corning Diagnostics Corp	LVM, Product Code—9774	Carton: 12 vials	06/21/90
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: 3 ml, 10 ml, Carton: 15 vials, 10 vials.	04/09/89
Ciba Corning Diagnostics Corp	MULTIQUAL I Assay, Product Code 9816	Kit: 15 vials, 3 ml/vial	08/05/92
Ciba Corning Diagnostics Corp	MULTIQUAL II Assay, Product Code 9817.	Kit: 15 vials, 3 ml/vial	08/05/92
Ciba Corning Diagnostics Corp	MULTIQUAL III Assay, Product Code 9818.	Kit: 15 vials, 3 ml/vial	08/05/92
Ciba Corning Diagnostics Corp	MULTIQUAL NOR UNASY	Vial: 3 ml, 10 ml, 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 Reagent	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: 30 ml	06/27/91
Ciba Corning Diagnostics Corp	Magic Lite T3 Solid Phase	Plastic Vial: 75 ml	06/27/91
Ciba Corning Diagnostics Corp	Magic T4 Antibody	Vial: 50 ml, 200 ml	11/01/90
Ciba Corning Diagnostics Corp	Magic T4 Antibody	Plastic Vial: 50 ml and 200 ml	02/16/88
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: 175 ml	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: 5 ml, 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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Ciba Corning Diagnostics Corp	Special Barbital Buffer Set, Catalog No. 470182.	Vial: 3 per kit	04/17/79
Ciba Corning Diagnostics Corp	Universal 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
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: 50 ml, Kit: 100 tests	12/09/88
Ciba-Corning Diagnostics Corp	Linearity Reference Material LNM–A, LNM–B, LNM–C.	Vial: 10 ml, Kit: 2 vials	02/12/91
Ciba-Corning Diagnostics Corp	Linearity Survey LN3–A, LN3–B, LN3–C	Vial: 10 ml, Kit: 2 vials	02/12/91
Ciba-Corning Diagnostics Corp	Linearity Survey LN4–A, LN4–B, LN4–C	Vial: 25 ml, Kit: 2 vials	02/12/91
Cone Biotech, Inc	American Association of Bioanalysts, Urine Toxicology Survey.	Vial: 20 ml, 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: 15 ml, Kit: 4 vials	05/30/90
Cone Biotech, Inc	College of American Pathologists Forensic Urine Drug Testing Survey Material (AACC/CAP).	Vial: 100 ml	05/30/90
Cone Biotech, Inc	College of American Pathologists Toxicology Survey (CAP).	Vial: 50 ml	05/30/90
Cone Biotech, Inc	College of American Pathologists Urine Toxicology Survey (CAP).	Vial: 50 ml	05/30/90
Cone Biotech, Inc	QCM–UTI	Vial: 20 ml	03/07/85
Cone Biotech, Inc	RIATRAC-Three Level Ligand Assay Controls.	Vial: 8 ml	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: 125 ml	06/10/92
Consolidated Technologies, Inc	HIST Multi-Drug Reference Material	Vial: 15 ml	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: 20 ml	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: 5 ml	07/05/90
Diagnostic Products Corporation	Amphetamine Controls, Cat. No. ACO1, ACO2.	Vial: 5 ml	03/20/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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
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) Qualitative 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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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
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: 20 ml, 60 ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled Cocaine Metabolite Cat. No. MECC2, 5MECC2.	Glass Vial: 11 ml, 60 ml	01/25/91
Diagnostic Products Corporation	Enzyme-Labeled Methamphetamine Cat. No. MEMA2, 5MEMA2.	Vial: 11 ml, 60 ml	09/28/90
Diagnostic Products Corporation	Enzyme-Labeled Opiates Cat. No. MEOP2, 5MEOP2.	Vial: 20 ml, 60 ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled PCP Cat. No. MEPC2, 5MEPC2.	Vial: 20 ml, 60 ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled THC Cat. No. METH 2, 5METH2.	Vial: 20 ml, 60 ml	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: 30 ml	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: 3.5 ml	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: 120 ml, 5 ml	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: 120 ml	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, CNCO2, CNCO3.	Vial: 3.5 ml, 100 ml	03/01/88
Diagnostic Products Corporation	Low and High Cannabinoid Urinary Controls: Cat. No. 5TCO1, 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: 5 ml	09/28/90
Diagnostic Products Corporation	Methamphetamine Cartridges Cat. No. VMADC.	Cartridge: 5 ml	01/25/91
Diagnostic Products Corporation	Methamphetamine Positive Reference Cat. No. VMAPC.	Vial: 3 ml	01/25/91
Diagnostic Products Corporation	Methaqualone Calibrators: Cat. No. MQC4–8.	Vial: 3.5 ml	03/01/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 5 ml	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: 5 ml	07/05/90
Diagnostic Products Corporation	Opiates Calibrators Cat. No. MOP 4–7	Vial: 5 ml	07/05/90
Diagnostic Products Corporation	Opiates Positive Reference Cat. No. VOSPC.	Vial: 1 ml	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: 5 ml	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. No. CON4, CON5, CON6.	Vial: 10 ml	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: 5 ml	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 5 ml cartridges	07/05/90
Diagnostic Products Corporation	Testosterone Calibrators Cat. No. TTD3–8.	Vial: 3.5 ml	03/25/91
Diagnostic Products Corporation	Total Testosterone Calibrators Cat. No. TTC4–8.	Vial: 3.5 ml	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: 105 ml	03/25/91
Diagnostic Products Corporation	[125I] Testosterone Cat. No. TTD2	Vial: 10 ml	03/25/91
Diagnostic Products Corporation	[125I] Total Testosterone Cat. No. TTT 2	Vial: 105 ml	03/25/91
Diamedix Corporation	Barbital-Acetate Buffer, Powder 709–317	Package: 20 envelopes-10.65 g. 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: 5 ml	08/09/73
Diamedix Corporation	EDTA (0.01M)–GVB Buffer, 753–031	Bottle: 5 ml	08/09/73
Diamedix Corporation	GVB(3+) Buffer 753–037	Bottle: 50 ml	08/09/73
Diamedix Corporation	Glucose-GVB 1 Buffer, 753–036	Bottle: 50 ml	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: 65 ml	02/27/86

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Duo Research, Inc	Drug Testing Assessment Program-Quality Control Sample Kit.	Kit: 5–65 ml bottles	02/27/86
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: 10 ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(2b) PREP Buffer/Internal Standard	Vial: 100 ml (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: 10 ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(3b) PREP Calibrator-Level 2	Vial: 10 ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(3c) PREP Calibrator-Level 3	Vial: 10 ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(3d) PREP Calibrator-Level 4	Vial: 10 ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(4) PREP Controls	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Inc	(4a) PREP Control-Low Level	Vial: 10 ml (2 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Inc	(4b) PREP Control-High Level	Vial: 10 ml (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: 6 ml, Box: 10 vials	09/28/90
E.I. duPont de Nemours & Co., Inc	DuPont Drug Calibrators—Levels 1 through 5.	Vial: 6 ml (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, 6 ml 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: 3 ml	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: 6 ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator—Level 2	Vial: 6 ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator—Level 3	Vial: 6 ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator—Level 4	Vial: 6 ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc	Phenobarbital Calibrator—Level 5	Vial: 6 ml (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: 2.3 ml (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, 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: 0.8 ml, 6.2 ml	11/01/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydrotestosterone, [1, 2, 4, 5, 6, 7-3H(N)]-.	NENSURE Vial: 0.8 ml, 6.2 ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydrotestosterone, [1, 2-3H(N)]	NENSURE Vial: 0.8 ml, 6.2 ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Dihydrotestosterone, [4-14C]-	NENSURE Vial: 0.8 ml, 6.2 ml	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
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-3H]NET–857.	Combi-Vial: 0.250 millicuries, 1.0 millicurie.	06/11/84
E.I. duPont de Nemours & Co., Inc, Medical Products.	Mibolerone	Glass Vial: 5 ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Mibolerone, [17Alpha-methyl-3H]-	NENSURE Vial: 0.8 ml, 6.2 ml	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: 0.8 ml, 6.2 ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [1, 2, 6, 7-3H(N)]-	NENSURE Vial: 0.8 ml, 6.2 ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [1Alpha, 2Alpha,-3H(N)]-	NENSURE Vial: 0.8 ml, 6.2 ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [1Beta, 2Beta,-3H(N)]-	NENSURE Vial: 0.8 ml, 6.2 ml	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [4-14C]-	NENSURE Vial: 0.8 ml, 6.2 ml; Glass Vial: 10 ml.	11/01/91
E.I. duPont de Nemours & Co., Inc, Medical Products.	Testosterone, [7-3H(N)]-	NENSURE Vial: 0.8 ml, 6.2 ml	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: 1.8 ml (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: 3 ml	09/13/85
Eastman Kodak Company	Kodak EKTACHEM Specialty Control I	Vial: 3 ml	09/13/85
Eastman Kodak Company	Kodak Ektachem Specialty Control II	Glass Vial: 6 ml	11/10/87
Electro-Nucleonics	VIRGO IPA Immuno-Precipitation	Kit	11/30/82
Laboratories, Incorporated	Assay for Phenobarbital		
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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 2.2 ml, Kit: 1 test	12/20/89
Fisher Diagnostics	TheraChem Anticonvulsants/Theophylline, Level I, II.	Kit: 9 vials, vial: 5 ml	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
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: 5 ml, 10 ml	04/16/82
Fisher Scientific	SeraChem Abnormal Clinical Chemistry Control Serum (Human), Assayed No. 2905.	Vial: 5 ml	04/16/82
Fisher Scientific	SeraChem Normal Clinical Chemistry Control Serum (Human), Assayed No.2907.	Vial: 5 ml	04/16/82
Fisher Scientific	Serachem Normal Clinical Chemistry Control Serum (Human), Unassayed No. 2908.	Vial: 5 ml, 10 ml	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: 5 ml	03/19/86
Fisher Scientific	Therapeutic Drug Control, High Level, 2842–31.	Vial: 5 ml	01/12/84
Fisher Scientific	Therapeutic Drug Control, Low Level I, No. 2846–31.	Vial: 5 ml	03/19/86
Fisher Scientific	Therapeutic Drug Control, Low Level, 2841–31.	Vial: 5 ml	01/12/84
Fisher Scientific	Therapeutic Drug Control, Mid-Range Level II, No. 2847–31.	Vial: 5 ml	03/19/86
Fisher Scientific	Urine Chemistry Control (Human) Level II, No. 2935–80.	Vial: 25 ml	04/06/78
Fisher Scientific	Urine Toxicology Control No. 2950–61	Vial: 25 ml	04/06/78
Fisher Scientific Group	SeraChem Plus Clinical Chemistry Control Sera Unassayed (Bovine) Level I.	Vial: 10 ml, Box: 50 vials, Carton: 4 boxes.	07/25/89
Fisher Scientific Group	SeraChem Plus Clinical Chemistry Control Sera Unassayed (Bovine) Level II.	Vial: 10 ml, Box: 50 vials, Carton: 4 boxes.	07/25/89
Flow Laboratories	DGV No. 28–010	Bottle: 125 ml	04/16/73
Flow Laboratories	Human "O" DGV (Dextrose Gelatin Veronal Buffer) No. 28–080.	Glass Vial: 100 ml	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: 500 ml	04/05/77
GIBCO Laboratories	Dextrose-Gelatin-Veronal Buffer Solution NDC No. 815–0566–1 and No. 815–0566–2.	Bottle: 100 and 500 ml	07/05/73
GIBCO Laboratories	Electrophoresis Buffer Solution, pH 8.6, NDC 011815–0245–1.	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 50 ml each	04/06/72
Gelman Sciences, Inc	Drug Standard Set, No. 51910	Set: 3 vials of 2 ml each	04/06/72
Gelman Sciences, Inc	Hi-Phore Buffer	Glass Vial: 15 g	02/11/82
Gelman Sciences, Inc	High Resolution Buffer-Tris Barbital Buffer No. 51104.	Vial: 10 dr	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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Hach Chemical Co.	pH 8.3 Buffer Powder Pillows. No. 898–98.	Pillow: 1 g. each	11/30/71
Helena Laboratories	CK–LD Buffer Catalog No. 5808	Packet: 18.332 g. 10 packets/box	03/26/86
Helena Laboratories	Electra B1 Buffer, Catalog No. 5016	Packet: 13.1 g. 10 packets/box	12/28/73
Helena Laboratories	Electra B2 Buffer, Catalog No. 5017	Packet: 18.2 g. 10 packets/box	12/28/73
Helena Laboratories	Electra HR Buffer, Catalog No. 5805	Packet: 18.1 g. 10 packets/box	12/28/73
Helena Laboratories	HDL Electrophoresis Buffer	Packet: 36 g	12/18/85
Helena Laboratories	Isoamylase Cathode Buffer	Packet: 9.7 g	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 CK Isoforms-15	Plate: 5.8"x5.5"	03/09/88
Helena Laboratories	REP CK Isoforms-15 Kit: Cat. No. 3081	Kit: 10 plates	03/09/88
Helena Laboratories	REP CK–12	Plate: 5.8"x2.18"	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"x0.6")	03/30/89
Helena Laboratories	REP CK–30	Plate: 5.8"x5.5"	03/09/88
Helena Laboratories	REP CK–30 Isoenzyme Kit	Kit: 10 plates	03/09/88
Helena Laboratories	REP CK–6	Plate: 5.8"x1.25"	03/09/88
Helena Laboratories	REP CK–6 Isoenzyme Kit: Cat. No. 3072	Kit: 10 plates	03/09/88
Helena Laboratories	REP LD	Plates: 5.8"x5.5", 5.8"x2.18", 5.8"x1.25"	03/09/88
Helena Laboratories	REP SPE Hi Res-15 Kit, Cat. No. 3176	Kit: 10 plates (5.8"x5.5")	03/30/89
Helena Laboratories	REP–HDL–12 Isoenzyme Kit Cat. No. 3187.	Kit: 10 Plates (5.8"x2.18")	09/15/88
Helena Laboratories	REP–HDL–30 Isoenzyme Kit Cat. No. 3186.	Kit: 10 Plates (5.8"x5.5")	09/15/88
Helena Laboratories	REP–HDL–6 Isoenzyme Kit Cat. No. 3188.	Kit: 10 Plates (5.8"x1.25")	09/15/88
Helena Laboratories	REP–Lipo–12 Kit Cat. No. 3181	Kit: 10 Plates (5.8"x2.18")	09/15/88
Helena Laboratories	REP–Lipo–30 Kit Cat. No. 3180	Kit: 10 Plates (5.8"x5.5")	09/15/88
Helena Laboratories	REP–Lipo–6 Kit Cat. No. 3182	Kit: 10 Plates (5.8"x1.25")	09/15/88
Helena Laboratories	REP–SP–12 Isoenzyme Kit Cat. No. 3171.	Kit: 10 Plates (5.8"x2.18")	09/15/88
Helena Laboratories	REP–SP–30 Isoenzyme Kit Cat. No. 3170.	Kit: 10 Plates (5.8"x5.5")	09/15/88
Helena Laboratories	REP–SP–6 Isoenzyme Kit Cat. No. 3172	Kit: 10 Plates (5.8"x1.25")	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) 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 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 (90mmx75mm), 2 Packages Buffer.	03/03/86
Helena Laboratories	Titan Gel High Resolution Protein Plate	Plate: (90mmx75mm)	03/03/86
Helena Laboratories	Titan Gel IFE Buffer	Packet: 25.9 g	12/18/85
Helena Laboratories	Titan Gel IFE Plate	Plate: (90mmx75mm)	03/05/86
Helena Laboratories	Titan Gel Immuno Fix Kit Catalog No. 3046.	Kit: 10 Plates (90mmx75mm), 2 Packets IFE Buffer.	01/24/86
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: (90mmx75mm)	12/18/85
Helena Laboratories	Titan Gel Iso Dot LDH Kit Catalog No. 3062.	Kit: 10 Plates (90mmx75mm), 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: (90mmx75mm)	12/18/85
Helena Laboratories	Titan Gel LDH Isoenzyme Reagent	Vial: 2 ml, 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: (90x75 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: (81x143 mm)	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP–17 Kit Catalog No. 3091.	Kit: 10 plates (81x143 mm) 1 packet buffer (29.1 g).	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP–17 Plate	Plate: 81x143 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 (90mmx75mm), 1 Packet Buffer.	01/24/86
Helena Laboratories	Titan Gel Serum Protein Plate	Plate: (90mmx75mm)	12/18/85

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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 (90mmx75mm), 2 Packets Buffer.	01/24/86
Helena Laboratories	Titan Gel Silver Stain Plate	Plate: (90mmx75mm)	03/03/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Kit Catalog No. 3053.	Kit: 10 Plates (90mmx75mm), 1 Packet LDH Buffer, 1 Box LDH Reagent.	01/24/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Plate	Plate: (90mmx75mm)	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
Hycor Biomedical, Inc	Hycor AccuPINCH Cocaine Test	Bottle: 3 ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc	Hycor AccuPINCH Morphine Test	Bottle: 3 ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc	Hycor AccuPINCH Phencyclidine Test	Bottle: 3 ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc	Hycor AccuPINCH Methamphetamine Test.	Bottle: 3 ml; Kit: 50 tests	10/29/91
Hycor Biomedical, Inc	Hycor AccuPINCH THC Test	Bottle: 3 ml; Kit: 50 tests	10/29/91
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator BARBITURATES Urine Calibrator—4 levels.	Bottle: 10 ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator DELTA-9-THCC Urine Calibrator—4 levels.	Bottle: 10 ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator NORDIAZEPAM Urine Calibrator—3 levels.	Bottle: 10 ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator OPIATES Urine Calibrator—4 levels.	Bottle: 10 ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator PHENCYCLIDINE Urine Calibrator—4 levels.	Bottle: 10 ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator, Amphetamine Urine Calibrator—4 level.	Vial: 10 ml, Kit: 12 vials, Kit: 4 vials	03/29/89
Hycor Biomedical, Inc	Sentry Drugs of Abuse Urine Calibrator, Benzoylecgonine Urine Calibrator—4 level.	Vial: 10 ml, Kit: 12 vials, Kit: 4 vials	03/29/89
Hycor Biomedical, Inc	Sentry Ligand/Combo Control High Level	Vial: 10 ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc	Sentry Ligand/Combo Control Low Level	Vial: 10 ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc	Sentry Ligand/Combo Control Mid Level	Vial: 10 ml 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: 30 ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, LOWER THRESHOLD.	Bottle: 30 ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, UPPER THRESHOLD.	Bottle: 30 ml	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: 10 ml	08/14/85
ICL Scientific	Therapeutic Drug Control I, II, III, Tri-Level TDC Multipack.	Glass Vials (12): 10 ml	08/14/85
ICL Scientific	Therapeutic Drug Control II, TDC II (Mid-Level).	Glass Vial: 10 ml	08/14/85
ICL Scientific	Therapeutic Drug Control III, TDC III (Low Level).	Glass Vial: 10 ml	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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 15 ml	03/08/91
INCSTAR Corporation	Anticonvulsant Drug Controls Levels I and II Cat. Nos. CA–2419, CA–2420.	Vial: 3.5 ml	03/08/91
INCSTAR Corporation	Assay Buffer Cat. No. CA–2742	Bottle: 150 ml	03/08/91
INCSTAR Corporation	Clinical Assays Gamma Coat (125I) Phenobarbital Radioimmunoassay 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: 15 ml	03/08/91
INCSTAR Corporation	HTSH Non-Specific Binding Reagent Cat. No. CA–2752.	Vial: 3.5 ml	03/08/91
INCSTAR Corporation	Human TSH Controls Levels I & II Cat. Nos. CA–2452, CA–2453.	Vial: 3.5 ml	03/08/91
INCSTAR Corporation	Human hTSH Blank Cat. No. CA–2885	Vial: 15 ml	03/08/91
INCSTAR Corporation	Phenobarbital Standards: 1, 3, 10, 30, 100 µg/ml Cat. Nos. CA–2380–2384.	Bottle: 3.5 ml	03/08/91
INCSTAR Corporation	Rabbit Anti-Human TSH Serum Cat. No. CA–2145.	Vial: 15 ml	03/08/91
INCSTAR Corporation	htsH Standards: 2, 5, 10, 20, 50 µIU/ml Cat. Nos. CA–2886–2890.	Bottle: 3.5 ml	03/08/91
Immunotech Corp.	Amphetamine Enzyme Conjugate	Bottle: 10.5 ml	09/28/89
Immunotech Corp.	Amphetamine Positive Urine Calibrator	Bottle: 1 ml	09/28/89
Immunotech Corp	Amphetamine—ALK Phos Cat. No. 612, 50 units, 300 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Amphetamine—HRP Cat. No. 613, 50 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Benzoylecgonine—ALK Phos Cat. No. 602, 50 units, 300 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Benzoylecgonine—HRP Cat. No. 604, 50 units, 300 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Cocaine Conjugate No. 0364–SIG	Bottle: 75 ml	06/13/91
Immunotech Corp	Cocaine Metabolite Enzyme Conjugate	Vial: 10.5 ml	09/28/89
Immunotech Corp	Cocaine Metabolite Positive Urine Calibrator.	Vial: 2 ml	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: 10 ml	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: 10 ml	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 Benzodiazepine 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. Nq. 610, 50 units, 300 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Morphine—HRP Cat. No. 611, 50 units, 300 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Opiates Enzyme Conjugate	Vial: 10 ml	12/19/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Immunotech Corp	Oxazepam Enzyme Conjugate	Bottle: 10.5 ml	09/28/89
Immunotech Corp	Oxazepam Positive Urine Calibrator	Bottle: 2 ml	09/28/89
Immunotech Corp	Oxazepam—ALK Phos Cat. No. 606, 50 units.	Bottle: 10 ml	03/12/90
Immunotech Corp	Oxazepam—HRP Cat No. 608, 50 units	Bottle: 10 ml	03/12/90
Immunotech Corp	PCP Enzyme Conjugate Cat. No. 375	Vial: 20 ml	07/11/90
Immunotech Corp	PCP Positive Urine Calibrator Cat. No. 418.	Vial: 3 ml	07/11/90
Immunotech Corp	Phenobarbital Enzyme Conjugate	Bottle: 10.0 ml	09/28/89
Immunotech Corp	Phenobarbital Serum Standard: 3 µg/ml, 10 µg/ml, 30 µg/ml, 80 µg/ml.	4 Bottles: 1 ml each	09/28/89
Immunotech Corp	THC Enzyme Conjugate Cat. No. 373	Vial: 20 ml	07/11/90
Immunotech Corp	THC Positive Urine Calibrator Cat No. 416 50 ng/ml, 417 100 ng/ml.	Vial: 3 ml	07/11/90
Industrial Analytical Laboratory, Inc	11-Nor-Carboxy-Delta-9-Tetrahydrocannabinol.	Ampule: 1 ml	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: 9 ml; Vial: 5 ml	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
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: 500 ml	12/16/85
Kallestad Diagnostics	Quanticoat 125I–T3 Uptake Reagent No. 834.	2 Glass Bottles: 110 ml	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: 8 ml	05/03/73
Materials & Technology Systems	5-Ethyl-5-(1-Carboxy-N-Propyl)Barbituric Acid Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial: 8 ml	05/03/73
Materials & Technology Systems	5-Ethyl-5-(1-Carboxy-N-Propyl)Barbituric Acid Sensitized RBC.	Vaccine Vial: 8 ml	05/03/73
Materials & Technology Systems	Barbiturate Standard	Screw Cap Vial: 10 ml	09/17/76
Materials & Technology Systems	Benzoylecgonine	Screw Cap Vial: 25mg and 100 mg	04/18/74
Materials & Technology Systems	Benzoylecgonine Standard	Screw Cap Vial: 10 ml	09/17/76
Materials & Technology Systems	Carboxymethyl-Morphine	Screw Cap Vial: 8 ml	05/03/73
Materials & Technology Systems	Carboxymethyl-Morphine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial: 8 ml	05/03/73
Materials & Technology Systems	Carboxymethylmorphine Sensitized RBC	Vaccine Vial: 50 ml	05/03/73
Materials & Technology Systems	Ecgonine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial: 8 ml	05/03/73
Materials & Technology Systems	Ecgonine Sensitized RBC	Vaccine Vial: 50 ml	05/03/73
Materials & Technology Systems	Methadone Standard	Screw Cap Vial: 10 ml	09/17/76
Materials & Technology Systems	Morphine Standard	Screw Cap Vial: 10 ml	07/17/73
Materials & Technology Systems	Tropinecarboxylic Acid	Screw Cap Vial: 8 ml, 10 ml	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 10 mg% w/v) Catalog No. 250.	Bottle: 120 ml	02/22/74

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Medical Analysis Systems, Inc	ACE II Calibrator for the DuPont aca Level 1.	Glass Vial: 22x38mm, 5 ml	08/07/86
Medical Analysis Systems, Inc	ACE II Calibrator for the DuPont aca Level 2.	Glass Vial: 22x38mm, 5 ml	08/07/86
Medical Analysis Systems, Inc	ACE II Calibrator for the DuPont aca Level 3.	Glass Vial: 22x38mm, 5 ml	08/07/86
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: 5 ml, 1 Set: 5 bottles	01/24/91
Medical Analysis Systems, Inc	ChemTrak Liquid Unassayed	Vial: 15 ml	04/30/85
Medical Analysis Systems, Inc	Chemistry Control Assayed, Level 1, 2, & 3.	Vial: 15 ml	04/30/85
Medical Analysis Systems, Inc	Chemistry Control, Level 1, 2, & 3	Vial: 15 ml	04/30/85
Medical Analysis Systems, Inc	DOA Liquid Drugs of Abuse Controls Level 2, 3, 4.	Vial: 5 ml, 18 ml, Box: 6–8 ml vials, Box: 8–5 ml vials.	10/12/90
Medical Analysis Systems, Inc	Liquid Urine Control Level 1	Vial: 5 ml	04/03/87
Medical Analysis Systems, Inc	TDM Plus.XL Level I, II or III Unassayed Enhanced Liquid Drug Control.	Bottle: 5 ml, Box: 6 bottles	09/05/90
Medical Analysis Systems, Inc	Tri-Point Liquimmune Ligand Control, Levels 1, 2 and 3.	Glass Bottle: 5 ml, Kit: 6 bottles	10/23/91
Medical Analysis Systems, Inc	Tri-Point Liquimmune Ligand Control, Levels 1, 2 and 3.	Glass Bottle: 5 ml, Kit: 6 bottles	10/23/91
Medical Analysis Systems, Inc	chemTRAK Liquid Unassayed Therapeutic Drug Control Level 2.	Kit: 6x5 ml Vials	10/08/86
Medical Analysis Systems, Inc	chemTRAK Liquid Unassayed Therapeutic Drug Control Level 3.	Kit: 6x5 ml Vials	10/08/86
Medical Analysis Systems, Inc	chemTRAK Liquid Unassayed Therapeutic Drug Control Level I.	Kit: 6x5 ml Vials	10/08/86
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
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, 5 ml 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-methylam-inopropane-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	Phen-d5-cyclidine HCl Catalog # MD–3681.	Ampule: 2 or 5 ml	06/13/88
Microdiagnostics, Inc	Amphetamine Enzyme Conjugate	Bottle: 2 ml	12/24/92
Microdiagnostics, Inc	Cocaine Enzyme Conjugate	Bottle: 2 ml	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: 2 ml	12/24/92
Microdiagnostics, Inc	PCP Enzyme Conjugate	Bottle: 2 ml	12/24/92
Microdiagnostics, Inc	Positive Amphetamine Standard	Bottle: 10 ml	12/24/92
Microdiagnostics, Inc	Positive Cocaine Standard	Bottle: 10 ml	12/24/92
Microdiagnostics, Inc	Positive Opiate Standard	Bottle: 10 ml	12/24/92
Microdiagnostics, Inc	Positive PCP Standard	Bottle: 10 ml	12/24/92
Microdiagnostics, Inc	Positive THC Standard	Bottle: 10 ml	12/24/92
Microdiagnostics, Inc	THC Enzyme Conjugate	Bottle: 2 ml	12/24/92

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Microgenics Corporation	Bulk Calibrator Solution 80 µg/ml, 40 µg/ml.	Carboy: 10 L	11/13/90
Microgenics Corporation	In-house Phenobarbital Bulk Primary Standard 40 µg/ml, 80 µg/ml.	Bottle: 2 L	11/13/90
Microgenics Corporation	In-house Phenobarbital Primary Standard 40 µg/ml, 80 µg/ml.	Micro tube: 1.5 ml, Box: 100 tubes	11/13/90
Microgenics Corporation	In-house manufacturing Bulk Calibrator 10 µg/ml, 20 µg/ml, 40 µg/ml, 60 µg/ml, 80 µg/ml, 90 µg/ml Phenobarbital.	Bottle: 2 L	11/13/90
Microgenics Corporation	In-house manufacturing Calibrator 10 µg/ml, 20 µg/ml, 40 µg/ml, 60 µg/ml 80 µg/ml, 90 µg/ml Phenobaribtal.	Vial: 3.5 ml	11/13/90
Microgenics Corporation	Microgenics CEDIA Phenobarbital Assay 40 µg/ml, 80 µg/ml.	Vial: 3.5 ml, Kit: 2 vials	11/13/90
Microgenics Corporation	Phenobarbital Stock Solution	Flask: 100 ml	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: 30 ml	05/21/80
Micromedic Systems	Neonatal T4 Buffer Solution	Bottle: 8 ounce	05/21/80
Micromedic Systems	T3 RIA 125I Tracer Solution	Vial: 30 ml	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: 30 ml	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: 30 ml	12/14/76
Micromedic Systems	T4 RIA Buffer Solution	High Density Polyethylene Bottle: 8 ounce.	12/14/76
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: 5 ml, Kit: 6 vials	3/16/92
Miles Laboratories, Inc	Ames Phenobarbital Assay, Kit Contains: Phenobarbital Standards; 10, 20, 40, & 60 mcg/ml.	6.1 ml vials	03/01/79
Miles Laboratories, Inc	Ames Phenobarbital Controls, 15 mcg/ml, 30 mcg/ml, 50 mcg/ml.	Vial: 6.1 ml	05/21/80
Miles Laboratories, Inc	Cliniria T–3 Uptake Test, Kit Contains: (1)125I T–3 Uptake Reagent & (2) Separating Reagent.	200 ml bottles	11/10/78
Miles Laboratories, Inc	Clinistat Calibrator Nos. 1 and 2	Vial: 1 ml	12/19/80
Miles Laboratories, Inc	Clinistat Control B, C, D, and E	Vial: 1 ml	12/19/80
Miles Laboratories, Inc	Seralute Total T–4 (RIA) 125I Reagent Kit, No. 3304, No. 3305.	Kit: 20 columns, 100 columns	03/28/77
Miles Laboratories, Inc	Seralyzer ARIS Drug Assay Control	Vial: 1 ml	01/17/84
Miles Laboratories, Inc	Seralyzer ARIS Drug Assay High Calibrator.	Vial: 0.5 ml	01/17/84
Miles Laboratories, Inc	Seralyzer ARIS Drug Assay Low Calibrator.	Vial: 0.5 ml	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
Miles Laboratories, Inc	TDA Cross-Reactivity Cocktails	Glass Vial: 1 ml	02/01/83
Miles Laboratories, Inc	TEK–CHEK Special Urine Control (supplemental)..	Vial: 25 ml	05/01/70
Miles Laboratories, Inc	Tetralute	Bottle: 4.9 g	07/29/70
Miles Laboratories, Inc	Thyrolute I125, Reagent Kit, No. 5250	Kit: 20 columns	12/02/74
Miles Laboratories, Inc	Thyrolute I125, Reagent Kit, No. 5252	Kit: 100 columns	12/02/74
Monobind, Inc	Monobind T3 Antibody Reagent	Test Tube w/Cap: 70 ml	11/08/77
Monobind, Inc	Monobind T3 Tracer Reagent	Wheaton Glass Container: 55 ml	11/08/77
Monobind, Inc	Monobind T4 Antibody Reagent	Test Tube w/Cap: 70 ml	11/08/77
Monobind, Inc	Monobind T4 Tracer Reagent	Wheaton Glass Container 55 ml	11/08/77
Monobind, Inc	Monobind TSH Antibody Reagent	Test Tube w/Cap: 10.5 ml	11/08/77
Monobind, Inc	Monobind TSH Non-Specific Buffer	Wheaton Glass: 1.05 ml	11/08/77
Monobind, Inc	Monobind TSH Precipitating Reagent	Plastic Container w/Cap: 105 ml	11/08/77
Monobind, Inc	Monobind TSH Tracer Reagent	Wheaton Glass Container: 10.5 ml	11/08/77
Monobind, Inc	T3 Adsorbent Reagent	Glass Bottle: 110 ml, 50 ml, Plastic Bottle: 260 ml.	05/15/78
Monobind, Inc	T3 Uptake Tracer Reagent	Glass Bottle: 55 ml, 30 ml, Plastic Bottle: 125 ml.	05/15/78
Monobind, Inc	TSH Radioimmunoassay Test System	Kit: 100 tests	11/08/77

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 2 ml	03/02/89
Nuclear Diagnostics, Inc	MAAT T3 Uptake Reagent	Bottle: 105 ml, 210 ml; Kit: 1 bottle 210 ml.	11/16/90
Nuclear Diagnostics, Inc	SPINSEP-TBG Reagent Catalog No. 17100.	Polypropylene Bottle: 105 ml	12/15/77
Nuclear Diagnostics, Inc	TETRIA P.E.G. Antiserum Catalog No. 16100A.	Polypropylene Bottle: 55 ml	03/10/78
Nuclear Diagnostics, Inc	TETRIA P.E.G. Reagent Catalog No. 16100.	Polypropylene Bottle: 105 ml	07/08/77
Nuclear Diagnostics, Inc	TETRIA P.E.G. Reagent Catalog No. 16100R.	Polypropylene Bottle: 55 ml	03/10/78
Nuclear Diagnostics, Inc	TRIA-P.E.G. Antiserum Catalog No. 12100A.	Polypropylene Bottle: 55 ml	03/10/78
Nuclear Diagnostics, Inc	TRIA-P.E.G. Reagent Catalog No.12100R.	Polypropylene Bottle: 55 ml	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 (10 ml/vial)	04/28/80
Organon Teknika Corp	Liothyronine T3 125I	Boston Round Amber Bottle: 4 ounce	02/18/79
Organon Teknika Corp	Liothyronine T3 125I	Boston Round Amber Bottle: 16 ounce	01/20/76
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: 7.3 ml	03/13/72
Organon Teknika Corp	Platelin Plus Activator	Vial: 7.3 ml	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: 7.3 ml containing 48 mg of powder	07/08/74
Organon Teknika Corp	Simplastin	Vial: 4.7 ml, 7.3 ml, and 16.5 ml	03/13/72
Organon Teknika Corp	Simplastin-A	Vial: 7.3 ml	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: 3.2 ml	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: 5 ml	10/25/83
Ortho Diagnostic Systems, Inc	Ortho Plasma Coagulation Control Level II.	Glass Vial: 5 ml	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: 2.5 ml 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
Pacific Hemostasis	Barbital Buffered Saline	Vial: 100 ml	05/24/84
Pacific Hemostasis	Barbital Buffered Saline with Heparin	Vial: 90 ml	05/24/84
Pacific Hemostasis	Diluting Fluid	Vial: 20 ml	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) 10 ml (2) 10 ml (3) 50 ml (4) 5 ml (5) 3 ml.	01/04/79

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Pantex	Immuno-Digoxin Kit Containing: (1) Digoxin 125I (2) 1st Antiserum (3) 2nd Antiserum (4) Diluent.	Kit Containing Bottles: (1) 10 ml (2) 20 ml (3) 50 ml (4) 5 ml.	01/04/79
Pantex	Immuno-Estriol 125I Kit: 2nd Antiserum	Bottle: 50 ml	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) 10 ml (2) 5 ml (3) 10 ml (4) 20 ml (5) 100 ml (6) 50 ml (7) 5 ml.	01/04/79
Pantex	Immuno-T4 Kit: (1) Thyroxine 125I (2) 1st Antiserum (3) 2nd Antiserum (4) Diluent (5) Standards.	Kit Containing Bottles: (1) 100 ml, 1000 ml (2) 50 ml (3) 100 ml (4) 5 ml (5) 3 ml.	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) 10 ml (2) 10 ml (3) 50 ml (4) 100 ml (5) 5 ml.	01/04/79
Pantex	T3 Uptake Kit: L-Triiodothyronine 125I	Bottle: 100 ml, 1000 ml	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: 6 ml, 12 ml Plastic Bottle: 60 ml, 90 ml, 250 ml, 625 ml Glass Bottle: 6 ml–100 ml.	01/23/90
Quality Assurance Service Corp	Q.A. Toxicology Serum Controls	Vial: 6 ml, 12 ml Plastic Bottle: 60 ml, 90 ml, 250 ml, 625 ml Glass Bottle: 6 ml–100 ml.	01/23/90
Quality Assurance Service Corp	Q.A. Toxicology Urine Controls	Vial: 6 ml, 12 ml Plastic Bottle: 60 ml, 90 ml, 250 ml, 625 ml Glass Bottle: 6 ml–100 ml.	01/23/90
Quantimetrix	Quantimetrix Anticonvulsant Serum Drug Control, Liquid Level II Control No. 17–0303–2.	Polyethylene Dropper Bottle: 15 ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17–0303–1.	Polyethylene Dropper Bottle: 15 ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17–0305–1.	Polyethylene Dropper Bottle: 15 ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level II Control No. 17–0305–2.	Polyethylene Dropper Bottle: 15 ml	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 0.1 mg/ml, 1.0 mg/ml.	Vial: 2 ml	06/12/91
Radian Corporation	3, 4-Methylenedioxy-amphetamine-D5 0.1 mg/ml.	2 ml amber ampule	10/19/88
Radian Corporation	3, 4-Methylenedioxy-amphetamine-D5 1.0 mg/ml.	2 ml amber ampule	10/19/88
Radian Corporation	3, 4-Methylenedioxy-methamphetamine-D5 0.1 mg/ml.	2 ml amber ampule	10/19/88
Radian Corporation	3, 4-Methylenedioxy-methamphetamine-D5 1.0 mg/ml.	2 ml amber ampule	10/19/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Radian Corporation	3, 4-Methylenedioxyamphetamine 0.1, 1.0 mg/ml.	Amber glass ampule: 2 ml	01/12/89
Radian Corporation	3, 4-Methylenedioxymethamphetamine 0.1, 1.0 mg/ml.	Amber glass ampule: 2 ml	01/12/89
Radian Corporation	6-Acetylmorphine	Ampule: 2 ml	12/04/87
Radian Corporation	6-Acetylmorphine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	9-Carboxy-11-nor-Delta-9-Tetrahydrocannabinol-D3.	Ampule: 2 ml	12/04/87
Radian Corporation	9-Carboxy-11-nor-delta-9-THC 0.1, 1.0 mg/ml.	Amber glass ampule: 2 ml	01/12/89
Radian Corporation	Alpha-Hydroxyalprazolam 0.1 mg/ml, 1.0 mg/ml.	Vial: 2 ml	06/12/91
Radian Corporation	Alpha-Hydroxyalprazolam-D5 0.1 mg/ml, 1.0 mg/ml.	Vial: 2 ml	06/12/91
Radian Corporation	Alpha-Hydroxytriazolam 0.1 mg/ml, 1.0 mg/ml.	Ampule: 2 ml	04/27/92
Radian Corporation	Alpha-Hydroxytriazolam-D4, 0.1 mg/ml, 1.0 mg/ml.	Ampule: 2 ml	04/27/92
Radian Corporation	Alprazolam 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	11/05/90
Radian Corporation	Alprazolam-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	11/05/90
Radian Corporation	Amobarbital 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	Amphetamine-D3 0.1 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	Benzoylecgonine	Ampule: 2 ml	12/04/87
Radian Corporation	Benzoylecgonine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Buprenorphine 0.1	Ampule: 2 ml	02/01/91
Radian Corporation	Buprenorphine-D4 0.1 mg/ml	Ampule: 2 ml	02/01/91
Radian Corporation	Cocaethylene 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	12/13/90
Radian Corporation	Cocaethylene-D3	Ampule: 2 ml	12/13/90
Radian Corporation	Cocaine 0.1, 1.0 mg/ml	Amber glass ampule: 2 ml	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: 2 ml	01/12/89
Radian Corporation	D-Methamphetamine 0.1 mg/ml, 1.0 mg/ml.	Vial: 2 ml	06/12/91
Radian Corporation	D-Propoxyphene 0.1, 1.0 mg/ml	Amber glass ampule: 2 ml	04/27/92
Radian Corporation	D-Propoxyphene 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	DL-Amphetamine 0.1, 1.0 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	DL-Amphetamine-D11, 0.1 mg/ml, 1.0 mg/ml.	Ampule: 2 ml	04/27/92
Radian Corporation	DL-Amphetamine-D3 0.1, 1.0 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	DL-Amphetamine-D5 (SC) 0.1, 1.0 mg/ml	Ampule: 2 ml	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: 2 ml	12/04/87
Radian Corporation	DL-Amphetamine-D8, 0.1 mg/ml, 1.0 mg/ml.	Ampule: 2 ml	04/27/92
Radian Corporation	DL-Methamphetamine 0.1, 1.0 mg/ml	Amber glass ampule: 2 ml	01/12/89
Radian Corporation	DL-Methamphetamine-D5 0.1, 1.0 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	DL-Methamphetamine-D8 0.1 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	DL-Methamphetamine-D8, 0.1 mg/ml, 1.0 mg/ml.	Ampule: 2 ml	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-Tetrahydro-cannabinol-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Delta-9-Tetrahydrocannabinol 0.1, 1.0 mg/ml.	Amber glass ampule: 2 ml	01/12/89
Radian Corporation	Diazepam 0.1, 1.0 mg/ml	Amber glass ampule: 2 ml	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: 2 ml	06/12/91
Radian Corporation	Ecgonine Methyl Ester 0.1, 1.0 mg/ml	Amber glass ampule: 2 ml	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: 2 ml	06/12/91
Radian Corporation	Fentanyl	Ampule: 2 ml	01/02/91
Radian Corporation	Fentanyl-D5	Ampule: 2 ml	01/02/91
Radian Corporation	Flurazepam 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	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: 2 ml	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: 2 ml	01/12/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Radian Corporation	Lorazepam 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	Lorazepam-D4, 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	Meperidine 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	Meperidine 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	Meprobamate 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
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: 2 ml	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: 2 ml	01/12/89
Radian Corporation	Methohexital 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	Methylphenidate 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	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: 2 ml	02/01/91
Radian Corporation	Morphine-3–Beta-D-glucuronide-D3 0.1, 1.0mg/ml.	Ampule: 2 ml	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: 2 ml	09/17/90
Radian Corporation	Nitrazepam-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	09/17/90
Radian Corporation	Norcocaine 0.1 mg/ml, 1.0 mg/ml	Vial: 2 ml	06/12/91
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: 2 ml	01/12/89
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: 2 ml	01/12/89
Radian Corporation	Pentobarbital 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	09/24/90
Radian Corporation	Pentobarbital-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	09/24/90
Radian Corporation	Phencyclidine 0.1 mg/ml, 1.0 mg/ml	Amber glass ampule: 2 ml	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: 2 ml	01/12/89
Radian Corporation	Phenobarbital-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	12/04/87
Radian Corporation	Temazepam 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	09/17/90
Radian Corporation	Temazepam-D5 0.1 mg/ml, 1.0 mg/ml	Ampule: 2 ml	09/17/90
Radian Corporation	Traizolam 0.1mg/ml, 1.0mg/ml	Ampule: 2 ml	04/27/92
Radian Corporation	Traizolam-D4 0.1mg/ml, 1.0mg/ml	Ampule: 2 ml	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: 18–21 ml Ampuls; 1–5 ml Ampul.	10/26/81
Research Triangle Institute	11–Nor-9-carboxy-delta-9 THC Plasma Standards Kit.	Kit Containing: 18–21 ml Ampuls; 1–5 ml Ampul.	10/26/81
Research Triangle Institute	Delta-9 THC Blood Standards Kit	Kit Containing: 16–2 ml Ampuls; 1–5 ml Ampul.	10/26/81
Research Triangle Institute	Delta-9 THC Plasma Standards Kit	Kit Containing: 16–2 ml Ampuls; 1–5 ml Ampul.	11/02/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11–Nor-9-carboxy-delta-9 THC in Blood.	Kit Containing: 26–1 ml Ampuls; 2–20 ml Vials; 2–250 ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11–Nor-9-carboxy-delta-9 THC in Plasma.	Kit Containing: 24–1 ml Ampuls; 2–20 ml Vials; 2–250 ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC.	Kit Containing: 20–1 ml Ampules; 2–20 ml Vials; 2–250 ml Bottles.	10/20/80
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC in Blood.	Kit Containing: 22–1 ml Ampules; 2–20 ml Vials; 2–250 ml Bottles.	07/10/81
Research Triangle Institute	Tritium Kit for Radioimmunoassay of Delta-9 THC.	Kit Containing: 20–1 ml Ampules; 2–20 ml Vials; 2–250 ml Bottles.	06/27/80
Restek Corp	Thebaine	Ampule: 2 ml	01/08/93
Restek Corp	Alprazolam	Ampule: 2 ml	01/08/93
Restek Corp	Amobarbital	Ampule: 2 ml	01/08/93
Restek Corp	Amphetamine	Ampule: 2 ml	01/08/93
Restek Corp	Aprobarbital	Ampule: 2 ml	01/08/93
Restek Corp	Barbital	Ampule: 2 ml	01/08/93
Restek Corp	Benzoylecgonine	Ampule: 2 ml	01/08/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Restek Corp	Benzphetamine	Ampule: 2 ml	01/08/93
Restek Corp	Bromazepam	Ampule: 2 ml	01/08/93
Restek Corp	Butabarbital	Ampule: 2 ml	01/08/93
Restek Corp	Butalbital	Ampule: 2 ml	01/08/93
Restek Corp	Cannabidiol delta-8	Ampule: 2 ml	01/08/93
Restek Corp	Cannabinol	Ampule: 2 ml	01/08/93
Restek Corp	Chlordiazepoxide	Ampule: 2 ml	01/08/93
Restek Corp	Clobazam	Ampule: 2 ml	01/08/93
Restek Corp	Clonazepam	Ampule: 2 ml	01/08/93
Restek Corp	Cocaethylene	Ampule: 2 ml	01/08/93
Restek Corp	Cocaine	Ampule: 2 ml	01/08/93
Restek Corp	Codeine	Ampule: 2 ml	01/08/93
Restek Corp	Desmethyl Diazepam	Ampule: 2 ml	01/08/93
Restek Corp	Diacetylmorphine	Ampule: 2 ml	01/08/93
Restek Corp	Diazepam	Ampule: 2 ml	01/08/93
Restek Corp	Ecgonine	Ampule: 2 ml	01/08/93
Restek Corp	Ecgonine methyl ester	Ampule: 2 ml	01/08/93
Restek Corp	Fenfluramine	Ampule: 2 ml	01/08/93
Restek Corp	Fentanyl	Ampule: 2 ml	01/08/93
Restek Corp	Flunitrazepam	Ampule: 2 ml	01/08/93
Restek Corp	Flurazepam	Ampule: 2 ml	01/08/93
Restek Corp	Glutethimide	Ampule: 2 ml	01/08/93
Restek Corp	Hexobarbital	Ampule: 2 ml	01/08/93
Restek Corp	Hydrocodone	Ampule: 2 ml	01/08/93
Restek Corp	Levorphanol	Ampule: 2 ml	01/08/93
Restek Corp	Lorazepam	Ampule: 2 ml	01/08/93
Restek Corp	Medazepam	Ampule: 2 ml	01/08/93
Restek Corp	Meperidine	Ampule: 2 ml	01/08/93
Restek Corp	Mephobarbital	Ampule: 2 ml	01/08/93
Restek Corp	Meprobamate	Ampule: 2 ml	01/08/93
Restek Corp	Methadone	Ampule: 2 ml	01/08/93
Restek Corp	Methamphetamine	Ampule: 2 ml	01/08/93
Restek Corp	Methohexital	Ampule: 2 ml	01/08/93
Restek Corp	Methyprylon	Ampule: 2 ml	01/08/93
Restek Corp	Morphine	Ampule: 2 ml	01/08/93
Restek Corp	Nitrazepam	Ampule: 2 ml	01/08/93
Restek Corp	Oxazepam	Ampule: 2 ml	01/08/93
Restek Corp	Oxycodone	Ampule: 2 ml	01/08/93
Restek Corp	Pentazocine	Ampule: 2 ml	01/08/93
Restek Corp	Pentobarbital	Ampule: 2 ml	01/08/93
Restek Corp	Phencyclidine	Ampule: 2 ml	01/08/93
Restek Corp	Phendimetrazine	Ampule: 2 ml	01/08/93
Restek Corp	Phenmetrazine	Ampule: 2 ml	01/08/93
Restek Corp	Phenobarbital	Ampule: 2 ml	01/08/93
Restek Corp	Phentermine	Ampule: 2 ml	01/08/93
Restek Corp	Prazepam	Ampule: 2 ml	01/08/93
Restek Corp	Propoxyphene	Ampule: 2 ml	01/08/93
Restek Corp	Secobarbital	Ampule: 2 ml	01/08/93
Restek Corp	Talbutal	Ampule: 2 ml	01/08/93
Restek Corp	Temazepam	Ampule: 2 ml	01/08/93
Restek Corp	Tetrahydrocannabinol 11-nor delta-9–THC-carboxylic acid.	Ampule: 2 ml	01/08/93
Restek Corp	Tetrahydrocannabinol delta-9	Ampule: 2 ml	01/08/93
Restek Corp	Thiamylal	Ampule: 2 ml	01/08/93
Restek Corp	Thiopental	Ampule: 2 ml	01/08/93
Restek Corp	Triazolam	Ampule: 2 ml	01/08/93
Roche Diagnostic Systems, Inc	125I T3 (for T3 Uptake Radioassay)	Vial: 15 ml	07/22/81
Roche Diagnostic Systems, Inc	Abuscreen 125 I-Methamphetamine Reagent.	Vial: 500 ml, 30 ml	03/01/89
Roche Diagnostic Systems, Inc	Abuscreen FP Cocaine Metabolite 75, 150, 300 or 600 ng/ml Benzoylecgonine Standard.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP Cocaine Metabolite Positive Control.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Amphetamine	Kit: 1000 tests	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Amphetamine 250, 500, 1000 or 2000 ng/ml d-Amphetamine Standard.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Amphetamine Positive Control.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Amphetamine Tracer Reagent.	Vial: 12 ml	03/23/89

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Roche Diagnostic Systems, Inc	Abuscreen FP for Barbiturates	Kit: 1000 tests	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Barbiturates 50, 100, 200 or 400 ng/ml Secobarbital Standard.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Barbiturates Positive Control.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Barbiturates Tracer Reagent.	Vial: 12 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Benzodiazepines	Kit: 1000 Tests	05/11/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Cannabinoids	Kit: 1000 tests	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Cannabinoids 25, 50, 100 or 200 ng/ml Cannabinoid Standard.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Cannabinoids Positive Control.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Cannabinoids Tracer Reagent.	Vial: 12 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Cocaine Metabolite	Kit: 1000 tests	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Cocaine Metabolite Tracer Reagent.	Vial: 12 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Methamphetamine	Kit: 1000 tests	03/09/90
Roche Diagnostic Systems, Inc	Abuscreen FP for Methamphetamine 250, 500, 1000 or 2000 ng/ml d-Methamphetamine Calibrator.	Vial: 4 ml	03/09/90
Roche Diagnostic Systems, Inc	Abuscreen FP for Methamphetamine Cutoff Control.	Vial: 4 ml	03/09/90
Roche Diagnostic Systems, Inc	Abuscreen FP for Methamphetamine Positive Control.	Vial: 4 ml	03/09/90
Roche Diagnostic Systems, Inc	Abuscreen FP for Methamphetamine Tracer Reagent.	Vial: 12 ml	03/09/90
Roche Diagnostic Systems, Inc	Abuscreen FP for Morphine	Kit: 1000 tests	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Morphine 75, 150, 300 or 600 ng/ml Morphine Standard.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Morphine Positive Control.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Morphine Tracer Reagent.	Vial: 12 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Phencyclidine	Kit: 1000 tests	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Phencyclidine 5, 10, 25 or 50 ng/ml Phencyclidine Standard.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Phencyclidine Positive Control.	Vial: 4 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Phencyclidine Tracer Reagent.	Vial: 12 ml	03/23/89
Roche Diagnostic Systems, Inc	Abuscreen High Control (Methamphetamine).	Vial: 2 oz.	03/01/89
Roche Diagnostic Systems, Inc	Abuscreen Low Control (Methamphetamine).	Vial: 2 oz.	03/01/89
Roche Diagnostic Systems, Inc	Abuscreen Positive Reference Control (Methamphetamine).	Vial: 100 ml, 6.6 ml	03/01/89
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Methamphetamine High Specificity.	Kit: 100 tests, 2500 tests	03/01/89
Roche Diagnostic Systems, Inc	Abuscreen 125I Amphetamine Reagent	Vial: 30 ml, 500 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen 125I Benzoylecgonine Reagent.	Vial: 30 ml, 500 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen 125I D-Amphetamine Reagent	Vial: 30 ml, 500 ml	05/11/92
Roche Diagnostic Systems, Inc	Abuscreen 125I Methaqualone Reagent	Vial: 30 ml, 500 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen 125I Morphine Reagent	Vial: 30 ml, 500 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen 125I Oxazepam Reagent	Vial: 30 ml, 500 ml	03/06/87
Roche Diagnostic Systems, Inc	Abuscreen 125I Phencyclidine Reagent	Vial: 30 ml, 500 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen 125I Secobarbital Reagent	Vial: 30 ml, 500 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen 125I Tetrahydrocannabinol Reagent.	Vial: 500 ml, 30 ml	08/14/81
Roche Diagnostic Systems, Inc	Abuscreen 125I–LSD Reagent	Vial: 500 ml, 30 ml	01/28/86
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Amphetamine).	Vial: 6.6 ml, 100 ml	05/11/92
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Amphetamine) 100, 500, 750, 1500, or 2000 ng/ml.	Vial: 6.6 ml, 100 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Barbiturate) 50, 100, 200, 300, 400, 500, 750, 1000, or 2000 ng/ml.	Vial: 6.6 ml, 100 ml	02/15/83

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Benzodiazepines) 25, 50, 75, 100 ng/ml or 150–1000 (in increments of 50) ng/ml.	Vial: 5 ml, 100 ml	03/06/87
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Benzoylecgonine) 100, 150, 200, 400, 500, 600, 750, 1000, or 2000 ng/ml.	Vial: 6.6 ml, 100 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Cannabinoids) 20, 25, 50, 150, 200, 300, 400, or 500 ng/ml.	Vial: 6.6 ml, 100 ml	02/20/84
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (LSD) 0.1, 0.2, 0.25, 0.3, 0.4, 0.5, 0.6, 0.7, 0.75, 0.8, 0.9, 1.0, 1.25, 1.5, 1.75, 2.0, 2.5, 5.0 or 10.0 ng/ml.	Vial; 5 ml, 100 ml	01/28/86
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Methaqualone) 100, 300, 500, 750, 1000, or 2000 ng/ml.	Vial: 6.6 ml, 100 ml	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Morphine) 40, 50, 100, 150, 200, 300, 500, 600, or 1000 ng/ml.	Vial: 6.6 ml, 100 ml.	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard (Phencyclidine) 10, 12.5, 25, 50, 75, 100, 200, or 500 ng/ml.	Vial: 6.6 ml, 100 ml.	02/15/83
Roche Diagnostic Systems, Inc	Abuscreen Calibration Standard for Amphetamine.	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).	Pack: 6 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 Calibraton Standard for Barbiturate.	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen EIA Amphetamine	Kit: 100 tests	01/18/88
Roche Diagnostic Systems, Inc	Abuscreen EIA Amphetamine Conjugate Reagent.	Vial: 30 ml	01/18/88
Roche Diagnostic Systems, Inc	Abuscreen EIA Amphetamine Negative Control.	Vial: 4 ml	01/18/88
Roche Diagnostic Systems, Inc	Abuscreen EIA Amphetamine Positive Calibrator.	Vial : 4 ml	01/18/88
Roche Diagnostic Systems, Inc	Abuscreen EIA Amphetamine Positive Control.	Vial: 4 ml	01/18/88
Roche Diagnostic Systems, Inc	Abuscreen EIA Barbiturate Conjugate Reagent.	Vial: 30 ml	10/02/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Barbiturate Enzyme Immunoassay Test Kit for Barbiturate Metabolites.	Kit: 100 Tests	10/02/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Barbiturate Negative Control.	Vial: 4 ml	04/15/87
Roche Diagnostic Systems, Inc	Abuscreen EIA Barbiturate Positive Calibrator 50–1200 (in increments of 50) ng/ml.	Vial: 4 ml	10/02/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Barbiturate Positive Control.	Vial: 4 ml	04/15/87
Roche Diagnostic Systems, Inc	Abuscreen EIA Cannabinoid Positive Calibrator 50–1200 (in increments of 50) ng of THC derivative/ml..	Vial: 4 ml	08/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Cannabinoid THC Conjugate Reagent.	Vial: 30 ml	08/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Cannabinoids Enzyme Immunoassay Test Kit for Cannabinoids.	Kit: 100 Tests	08/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Cannabinoids Negative Control.	Vial: 4 ml	04/15/87
Roche Diagnostic Systems, Inc	Abuscreen EIA Cannabinoids Positive Control.	Vial: 4 ml	04/15/87

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Roche Diagnostic Systems, Inc	Abuscreen EIA Cocaine Metabolite Benzoylecgonine Conjugate Reagent.	Vial: 30 ml	05/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Cocaine Metabolite Benzoylecgonine Positive Calibrator 50–1200 (in increments of 50) ng/ml.	Vial: 4 ml	05/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Cocaine Metabolite Enzyme Immunoassay Test Kit for Benzoylecgonine.	Kit: 100 tests	05/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Cocaine Metabolite Negative Control.	Vial: 4 ml	04/15/87
Roche Diagnostic Systems, Inc	Abuscreen EIA Cocaine Metabolite Positive Control.	Vial: 4 ml	04/15/87
Roche Diagnostic Systems, Inc	Abuscreen EIA Morphine Conjugate Reagent.	Vial: 30 ml	05/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Morphine Enzyme Immunoassay Test Kit for Morphine and Morphine Metabolites.	Kit: 100 tests	05/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Morphine Negative Control.	Vial: 4 ml	04/15/87
Roche Diagnostic Systems, Inc	Abuscreen EIA Morphine Positive Calibrator 50–1200 (in increments of 50) ng/ml.	Vial: 4 ml	05/28/86
Roche Diagnostic Systems, Inc	Abuscreen EIA Morphine Positive Control	Vial: 4 ml	04/15/87
Roche Diagnostic Systems, Inc	Abuscreen FP for Benzodiazepines-25, 50, 100 or 200 ng/ml Benzodiazepines Standard.	Vial: 4 ml	05/11/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Benzodiazepines-Positive Control.	Vial: 4 ml	05/11/89
Roche Diagnostic Systems, Inc	Abuscreen FP for Benzodiazepines-Tracer Reagent.	Vial: 12 ml	05/11/89
Roche Diagnostic Systems, Inc	Abuscreen High Control (Amphetamine)	Vial: 2oz	05/11/92
Roche Diagnostic Systems, Inc	Abuscreen Low Control (Amphetamine)	Vial: 2oz	05/11/92
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Calibration Pack	Kit: 8 vials	05/18/92
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Calibrator Level 3	Vial: 5 ml; Kit: 6 vials	02/21/91
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Calibrator Level 3	Pack: 6 vials	05/18/92
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Calibrator Levels 2, 4.	Vial: 3 ml; Kit: 6 vials	02/21/91
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Cocaine Metabolite Calibrator Level 2, 3, 4.	Vial: 7 ml	09/11/91
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Opiate Calibrator Level 2, 3, 4.	Vial: 7 ml	09/11/91
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Positive Control	Vial: 3 ml; Kit: 6 vials	02/21/91
Roche Diagnostic Systems, Inc	Abuscreen ONLINE Positive Control	Pack: 6 vials	05/18/92
Roche Diagnostic Systems, Inc	Abuscreen ONLINE THC Calibrator Level 2, 3, 4, 5.	Vial: 7 ml	09/11/91
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 ONTRAK "THC"	Kit: 40 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK "THC" Negative Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK "THC" Positive Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK "THC" Reagent C—Latex Reagent.	Vial: 7 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine	Kit: 40 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine (500ng/ml).	Kit: 40 Tests, 100 Tests	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine (500ng/ml) Negative Control.	Vial: 4 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine (500ng/ml) Reagent C—Latex Reagent.	Vial: 7 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine Negative Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine Positive Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Amphetamine Reagent C—Latex Reagent.	Vial: 7 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Barbiturate	Kit: 40 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Barbiturate Reagent C—Latex Reagent.	Vial: 7 ml	03/14/88

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Barbiturates Negative Control.	Vial: 4 ml	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: 40 Tests, 100 Tests	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Benzodiazepines Negative Control.	Vial: 4 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Benzodiazepines Reagent C—Latex Reagent.	Vial: 7 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine (200ng/ml)	Kit: 40 Tests, 100 Tests	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine (200ng/ml) Negative Control.	Vial: 4 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine (200ng/ml) Reagent C—Latex Reagent.	Vial: 7 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine Metabolite	Kit: 40 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine Metabolite Benzoylecgonine Reagent C—Latex Reagent.	Vial: 7 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Cocaine Metabolite Negative Control.	Vial: 4 ml	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 Methamphetamine	Kit: 40 Tests, 100 Tests	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Methamphetamine Negative Control.	Vial: 4 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Methamphetamine Reagent C—Latex Reagent.	Vial: 7 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Morphine	Kits: 40 tests, 100 tests	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Morphine Negative Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Morphine Positive Control.	Vial: 4 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK Morphine Reagent C—Latex Reagent.	Vial: 7 ml	03/14/88
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK THC (50ng/ml)	Kit: 40 Tests, 100 Tests	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK THC (50ng/ml) Negative Control.	Vial: 4 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK THC (50ng/ml) Reagent C—Latex Reagent.	Vial: 7 ml	05/03/91
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK phencyclidine (PCP)	Kit: 40 tests, 100 tests	11/22/89
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK phencyclidine (PCP) Negative Control.	Vial: 7 ml	11/22/89
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK phencyclidine (PCP) Positive Control.	Vial: 7 ml	11/22/89
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK phencyclidine (PCP) Reagent A—Antibody Reagent.	Vial: 7 ml	11/22/89
Roche Diagnostic Systems, Inc	Abuscreen ONTRAK phencyclidine (PCP) Reagent C—Latex Reagent.	Vial: 7 ml	11/22/89
Roche Diagnostic Systems, Inc	Abuscreen Radioimmunoassay for Amphetamine.	Kit: 100 tests, 2500 tests	02/15/83
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 Combined Amphetamines (Amphetamine/Methamphetamine).	Kit: 100 tests, 2500 tests	05/11/92
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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Amphetamine.	Kit: 3 Vials, 100 ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Barbiturate.	Kit: 3 Vials, 100 ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Cannabinoids.	Kit: 3 Vials, 100 ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Cocaine Metabolite.	Kit: 3 Vials, 100 ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for LSD (Lysergic Acid Diethylamide).	Kit: 3 Vials, 100 ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Methamphetamine (High Specificity).	Kit: 3 vials, 100 ml each	05/27/92
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Morphine.	Kit: 3 Vials, 100 ml each	10/12/87
Roche Diagnostic Systems, Inc	Abuscreen Reference Controls and Calibrator for Phencyclidine (PCP).	Kit: 3 Vials, 100 ml each	10/12/87
Roche Diagnostic Systems, Inc	Agglutex Amphetamine Latex Reagent	Vial: 2 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Amphetamine Positive Human Urine Control.	Vial: 5 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Amphetamine Test Kit	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Barbiturate Latex Reagent	Vial: 2 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Barbiturate Positive Human Urine Control.	Vial: 5 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Barbiturate Test Kit	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Methaqualone Latex Reagent	Vial: 2 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Methaqualone Positive Human Urine Control.	Vial: 5 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Methaqualone Test Kit	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Morphine Latex Reagent	Vial: 2 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Morphine Positive Human Urine Control.	Vial: 5 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Morphine Test Kit	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Phencyclidine (PCP) Test Kit	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Phencyclidine Latex Reagent	Vial: 2 ml	06/27/83
Roche Diagnostic Systems, Inc	Agglutex Phencyclidine Positive Human Urine Control.	Vial: 5 ml	06/27/83
Roche Diagnostic Systems, Inc	Amerifluor Florescent Immunoassay—Phenobarbital.	Kit: 100 tests	04/30/82
Roche Diagnostic Systems, Inc	Anti-T3 Reagent 125I T3 (for T3 Radioimmunoassay).	Vial: 15 ml	07/22/81
Roche Diagnostic Systems, Inc	Anti-T4 Reagent 125I T4 (for T4 Radioimmunoassay).	Vial: 15 ml	07/22/81
Roche Diagnostic Systems, Inc	CAL PACK Abuscreen ONLINE Cocaine Metabolite Calibration Kit.	Kit: 6 vials	09/11/91
Roche Diagnostic Systems, Inc	CAL PACK Abuscreen ONLINE Opiate Calibration Kit.	Kit: 6 vials	09/11/91
Roche Diagnostic Systems, Inc	CAL PACK Abuscreen ONLINE THC Calibration Kit.	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 Phenobarbital Calibrators B through F.	Vials: 5 ml	11/13/84
Roche Diagnostic Systems, Inc	COBAS FP Phenobarbital Tracer Reagent.	Vial: 5 ml	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
Roche Diagnostic Systems, Inc	CUTOFF CAL PACK Abuscreen ONLINE Cocaine Metabolite Calibration Kit.	Kit: 6 vials	09/11/91
Roche Diagnostic Systems, Inc	CUTOFF CAL PACK Abuscreen ONLINE Opiate Calibration Kit.	Kit: 6 vials	09/11/91
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 1, 2, 3, 4, 5, 6, 7, or 8.	Vial: 10, 20, 50, or 100 ml	01/25/83
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 9	Vial: 10 ml, 20 ml, 50 ml, or 100 ml	07/24/84
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 9A	Vial: 10 ml, 20 ml, 50 ml, or 100 ml	07/24/84
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 10	Vial: 10 ml, 20 ml, 50 ml, or 100 ml	04/02/86
Roche Diagnostic Systems, Inc	Immunizing Preparation No. 10A	Vial: 10 ml, 20 ml, 50 ml, or 100 ml	04/02/86
Roche Diagnostic Systems, Inc	Immunizing Preparations No. 1A, 2A, 3A, 4A, 5A, 6A, 7A & 8A.	Vial: 10 ml, 20 ml, 50 ml, or 100 ml	07/12/83
Roche Diagnostic Systems, Inc	NSB Reagent	Vial: 2 ml	07/22/81
Roche Diagnostic Systems, Inc	TDM Controls, Levels I through III	Vials: 5 ml	11/13/84
Rowley Biochemical Institute, Inc	Aldehyde Fuchsin Solution	Bottle: Pint, Quart, Gallon	02/02/84

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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	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
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: 12.5 ml, 50 ml	07/22/92
Serex, Inc	Automates CoMA High Calibrator	Vial: 5 ml	07/22/92
Serex, Inc	Automates CoMA Plus Cocaine Metabolite Assay.	Kit: 3 Bottles; 50, 1000 Tests	07/22/92
Serex. Inc	Automates CoMA Low Calibrator	Vial: 5 ml	07/22/92
Serex. Inc	Automates CoMA Plus Cocaine Metabolite Assay Reagent B.	Bottle: 12, 5 ml, 50 ml	07/22/92
Serono Diagnostics, Inc	rT3 Barbital Buffer	Glass Vial: 120 ml	10/26/84
Serono Diagnostics, Inc	rT3–125I	Glass Vial: 13 ml	10/26/84
Serono Diagnostics, Inc	rT3–Antiserum	Glass Vial: 13 ml	10/26/84
Sherwood Medical Company	Lancer Fibrinogen Determination, Reagent Kit Catalog No. 8889–007608.	Kit	04/17/75
Sigma Chemical Co	(+) Deoxyephedrine-d5 HCl #D–5914	Ampule: 2 ml	08/28/90
Sigma Chemical Co	(+/−)-(2 Methylamino)propiophenone Hydrochloride.	Ampule: 1 ml	07/30/92
Sigma Chemical Co	(+/−) 2, 5-Dimethoxy-4-bromo-amphetamine Hydrobromide, D–7633.	Ampule: 2 ml	09/25/91
Sigma Chemical Co	(+/−) 2, 5-Dimethoxy-4-methyl-amphetamine HCl, D–7883.	Ampule: 2 ml	09/25/91
Sigma Chemical Co	(+/−) Deoxyephedrine HCl, D–7508	Ampule: 2 ml	09/25/91
Sigma Chemical Co	(−) Deoxyephedrine, D–7258	Ampule: 2 ml	09/25/91
Sigma Chemical Co	1-Tetrahydrocannabinol, Product No. T–4764.	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	1-Tetrahydrocannabinol, Product No. T–4764.	Vial: 1 ml	05/11/81
Sigma Chemical Co	11-Hydroxy-delta 9 Tetrahydrocannabinol Cat. No. H3879.	Ampule: 2 ml	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: 2 ml	08/28/90
Sigma Chemical Co	19-Nortesterone 17-Phenylpropionate, N 2771.	Ampule: 1 ml	07/30/92
Sigma Chemical Co	19-Nortesterone 17-Propionate, N 2896	Ampule: 1 ml	07/30/92
Sigma Chemical Co	19-Nortestosterone 17-Decanoate, N 3021.	Ampule: 1 ml	07/30/92
Sigma Chemical Co	3, 4 Methylenedioxymethamphetamine 1 mg/ml, No. M–5029.	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co	3, 4-Methylenedioxyamphetamine, No. M–3272.	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co	3-Methylfentanyl HCl, M–6255	Ampule: 2 ml	09/25/91
Sigma Chemical Co	5, 5-Diallylbarbituric Acid, Product No. D–6013.	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	5-Alpha-Androstan-17beta-ol-3-one Benzoate, A 9687.	Ampule: 1 ml	07/30/92
Sigma Chemical Co	6-Tetrahydrocannabinol, Product No. T–4889.	Vial: 1 ml	05/11/81
Sigma Chemical Co	AST Reagent A, Stock No. 56–2	Vial: 10 ml	06/27/79
Sigma Chemical Co	Acid Hematoxylin Solution, No. 285–2	Bottle: 25 ml, 100 ml	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: 1 ml	04/10/85
Sigma Chemical Co	Allylisobutylbarbituric Acid (A–1038)	Sealed Ampule: 1 ml	04/10/85
Sigma Chemical Co	Alphaprodine Hydrochloride (A–1537)	Ampule: 1 ml	08/27/84
Sigma Chemical Co	Alphenal (A–1163)	Ampule: 1 ml	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: 2 ml	08/28/90
Sigma Chemical Co	Ammonia Reagent, Stock No. 170–10	Vial: 10 ml	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: 30 ml	12/13/77

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 1 ml	06/30/77
Sigma Chemical Co	Antibody Sensitized Sheep Erythrocytes (EA7S).	Vials: 2 ml and 5X 2 ml	04/02/86
Sigma Chemical Co	Aprobarbital, Product No. A–7023	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Barbital Buffer, Product No. B–6632	Polyethylene Vial: 30 ml	05/11/77
Sigma Chemical Co	Barbital Buffer 5X Concentrate Electrophoresis Reagent Cat. No. B–3506.	Bottle: 200 ml	11/14/91
Sigma Chemical Co	Barbital Buffer with Albumin Stock No. 880–3.	Vial: 20 ml	07/11/80
Sigma Chemical Co	Barbital, Product No. B–8632	Sealed Ampule: 1 ml	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: 2 ml	08/28/90
Sigma Chemical Co	Benzphetamine Hydrochloride, Product No. B–8765.	Sealed Ampule: 1 ml	06/08/84
Sigma Chemical Co	Bromazepam #B–5402	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Bufotenine Monooxalate, Product No. B–8757.	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Butabarbital, Product No. B–8882	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Butalbital, Product No. B–5514	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Butethal (B–7516)	Ampule: 1 ml	09/05/85
Sigma Chemical Co	Cannabidiol, Product No. C–6395	Sealed Ampule: 1 ml	08/29/79
Sigma Chemical Co	Cannabidiol, Product No. C–6395	Vial: 1 ml	05/11/81
Sigma Chemical Co	Cannabinol, Product No. C–6520	Vial: 1 ml	05/11/81
Sigma Chemical Co	Cannabinol, Product No. C–6520	Sealed Ampule: 1 ml	08/29/79
Sigma Chemical Co	Chloral Hydrate, Product No. C–6516	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Chlorazepam Dipotassium Salt, (C–9531)	Ampule: 1 ml	05/24/85
Sigma Chemical Co	Chlordiazepoxide (C–4782)	Ampule: 1 ml	09/05/85
Sigma Chemical Co	Chlordiazepoxide Hydrochloride Acetonitrile Drug Standard #C–9547.	Ampule: 2 ml	06/26/90
Sigma Chemical Co	Chlordiazepoxide-d5 #C–5047	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Clobazam, No. C–6667	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co	Clonazepam, Product No. C–4404	Sealed Ampule: 1 ml	06/08/84
Sigma Chemical Co	Cocaine Hydrochloride Product No. C–1528.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Cocaine-d3 #C–3547	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Codeine-d3 HCl #C–3672	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Codeine.Product No. C–1653	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	D-Amphetamine Sulfate, Product No. A–3278.	Vial: 1 ml	05/11/81
Sigma Chemical Co	DL-Amphetamine HCL, Product No. A–5017.	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Delorazepam #D–5789	Ampule: 2 ml	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: 2 ml	08/28/90
Sigma Chemical Co	Dextropropoxyphene Hydrochloride (D–8901).	Ampule: 1 ml	09/27/84
Sigma Chemical Co	Diazepam, Product No. D–9900	Sealed Ampule: 1 ml	06/08/84
Sigma Chemical Co	Diazepam-d5 #D–5664	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Diethylpropion Hydrochloride, Product No. D–7274.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Diphenoxylate (D–0780)	Ampule: 1 ml	09/05/85
Sigma Chemical Co	Drug Standard Mix 1, D–3155	Ampule: 2 ml	04/18/86
Sigma Chemical Co	Drug Standard Mix 2, D–3030	Ampule: 2 ml	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: 2 ml	08/28/90
Sigma Chemical Co	Ecgonine-d3 Methyl Ester HCl #E–2139	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Estazolam #E–1139	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Ethinamate (E–8508)	Ampule: 1 ml	04/10/85
Sigma Chemical Co	Ethylmorphine, E–3377	Ampule: 2 ml	09/25/91
Sigma Chemical Co	Fenfluramine Hydrochloride, Product No. F–1884.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Fenproporex Hydrochloride, No. F–7261	Glass Ampule: 2 ml	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: 2 ml	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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Sigma Chemical Co	Flurazepam Dihydrochloride, Product No. F–9134.	Sealed Ampule: 1 ml	06/08/84
Sigma Chemical Co	Gelatin Veronal Buffer (GVB2+) No. G–6514.	Vial: 50 ml, 250 ml	09/15/86
Sigma Chemical Co	Glutethimide, Product No. G–3134	Sealed Ampule: 1 ml	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: 1 ml	06/30/77
Sigma Chemical Co	Hydrocodone Bitartrate, No. H–2269	Glass Ampule: 2 ml	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: 1 ml	06/30/77
Sigma Chemical Co	LDH Electrophoresis Buffer, Stock No. 705–1.	Bottle: 30 ml	01/04/77
Sigma Chemical Co	LDH-P Reagent No. 125–100	Vial: 100 ml	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: 1 ml	05/24/85
Sigma Chemical Co	Lormetazepam, No. 8145	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co	Lysergic Acid, Product No. L–5881	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Lysergic Acid Diethylamide #L–8147	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Mayer's Hematoxylin Solution, No. MHS–1.	Bottle: 3 ml, 6 ml, 25 ml, 100 ml, 225 ml	08/06/73
Sigma Chemical Co	Mebutamate (M–3772)	Ampule: 1 ml	09/05/85
Sigma Chemical Co	Medazepam (M–7646)	Ampule: 1 ml	05/24/85
Sigma Chemical Co	Meperidine Hydrochloride (M–1020)	Ampule: 1 ml	08/27/84
Sigma Chemical Co	Mephobarbital, Product No. M–3514	Vial: 1 ml	05/11/81
Sigma Chemical Co	Meprobamate (M–0271)	Ampule: 1 ml	05/24/85
Sigma Chemical Co	Mescaline HC1, Product No. M–5153	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Methadone Hydrochloride, Product No. M–3268.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Methadone-d3 #M–4781	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Methamphetamine HC1, Product No. M–5260.	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Methaqualone Hydrochloride, Product No. M–3393.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Methaqualone-d4 #M–5406	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Methylphenidate Hydrochloride (M–1145)	Ampule: 1 ml	10/31/84
Sigma Chemical Co	Methyprylon, Product No. M–1769	Sealed Ampule: 1 ml	06/08/84
Sigma Chemical Co	Morphine Sulfate, No. M–9524	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co	Morphine-3–B-D Glucuronide, Product No. M–4266.	Ampule: 1 ml	10/21/82
Sigma Chemical Co	Morphine-d3 HCl, M–6380	Ampule: 2 ml	09/25/91
Sigma Chemical Co	N, N-Diethyltryptamine, Product No. D–0392.	Vial: 1 ml	05/11/81
Sigma Chemical Co	N, N-Dimethyltryptamine, Product No. D–6263.	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Nalorphine Hydrochloride	Ampule: 1 ml	08/27/84
Sigma Chemical Co	Norcodeine Hydrochloride, No. N–3017	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co	Normorphine HCl #N–7393	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Noroxymorphone #N–7018	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Oxazepam, No. O–1755	Vial: 1 ml	06/30/87
Sigma Chemical Co	Oxazepam-d5 #O–1381	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Oxazolam, No. O–8005	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co	Oxycodone Hydrochloride, Product No. O–2628.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Paraldehyde, Product No. D–3778	Ampule: 1 ml	10/21/82
Sigma Chemical Co	Pemoline, Product No. P–3518	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Pentazocine Hydrochloride, Product No. P–7530.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Pentobarbital, Product No. P–3393	Sealed Ampule: 1 ml	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: 2 ml	08/28/90
Sigma Chemical Co	Phendimetrazine, Product No. P–3524	Vial: 1 ml	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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Sigma Chemical Co	Phenobarbital Primary Stock Solution No. Z-5419.	Bottle: 10, 5, 1L, 500, 100 ml	02/01/91
Sigma Chemical Co	Phenobarbital Prod. No. P–3643	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Phentermine Hydrochloride, Product No. P–7655.	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Phenylacetone, Product No. P–2024	Vial: 1 ml	05/11/81
Sigma Chemical Co	Prazepam, No. P–7168	Vial: 1 ml	06/30/87
Sigma Chemical Co	Psilocin #P–4054	Ampule: 2 ml	08/28/90
Sigma Chemical Co	SIA Cocaine Metabolites	Kit: 96 Tests	07/11/91
Sigma Chemical Co	SIA Conjugate Cocaine Metabolites	Bottle: 75 ml	07/11/91
Sigma Chemical Co	SIA Positive Reference Cocaine Metabolites.	Vial: 1 ml	07/11/91
Sigma Chemical Co	Secobarbital, Product No. S–4006	Sealed Ampule: 1 ml	06/30/77
Sigma Chemical Co	Secobarbital-d5, S–4628	Ampule: 2 ml	09/25/91
Sigma Chemical Co	Temazepam, No. T–4903	Vial: 1 ml	06/30/87
Sigma Chemical Co	Tenocyclidine HCl, T–3507	Ampule: 2 ml	09/25/91
Sigma Chemical Co	Testosterone 17beta-Cypionate, T 3415	Ampule: 1 ml	07/30/92
Sigma Chemical Co	Testosterone Enanthate, T 3540	Ampule: 1 ml	07/30/92
Sigma Chemical Co	Testosterone Propionate, T 3665	Ampule: 1 ml	07/30/92
Sigma Chemical Co	Thebaine, Product No. T–5270	Sealed Ampule: 1 ml	09/19/83
Sigma Chemical Co	Thiamylal Sodium, Product No. T–6896	Sealed Ampule: 1 ml	06/08/84
Sigma Chemical Co	Thiopental (T–1022)	Ampule: 1 ml	08/27/84
Sigma Chemical Co	Triazolam #T–7658	Ampule: 2 ml	08/28/90
Sigma Chemical Co	Trizma-Barbital Buffer, Stock No. 710–1	Bottle: 30 ml	01/04/77
Sigma Chemical Co	Tropacocaine, Product No. T–4516	Vial: 1 ml	05/11/81
Sigma Chemical Co	Z9999, Field Test Sample PSEUDOnarcotics Marihuana Formulation.	Vial: 400 ml	03/14/91
Sigma Chemical Co	d-Amphetamine-d3 Sulfate #A–7180	Ampule: 2 ml	08/28/90
Sigma Chemical Co	d-Lysergic Acid Cat. No. L–9752	Ampule: 2 ml	11/06/91
Sigma Chemical Co	d-Propoxyphene-d7 HCl #P–4179	Ampule: 2 ml	08/28/90
Sigma Chemical Co	d-Propoxyphene-d7 HCl #P–4179	Ampule: 2 ml	08/28/90
Sigma Chemical Co	delta-9-tetrahydrocannabinol-d3 #T–8783	Ampule: 2 ml	08/28/90
Sigma Chemical Co	dl-Amphetamine, A–2262	Ampule: 2 ml	09/25/91
Sigma Chemical Co	l-Amphetamine, A–9136	Ampule: 2 ml	09/25/91
Sigma Chemical Co	p-Methoxyamphetamine HCl #M–4656	Ampule: 2 ml	08/28/90
Smart Chemical Co	Regal 180XL	Plastic Drum: 55 gallon	06/12/86
SolarCare Technology Control	LSD EIA	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	Benzoylecgonine Cutoff Calibrator	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	Benzoylecgonine Negative Control	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	Benzoylecgonine Positive Control	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	Cocaine Cutoff Calibrator	Vial: 4 ml	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: 4 ml	06/05/90
SolarCare Technology Corporation	Cocaine Positive Control	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	LSD Cutoff Calibrator	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	LSD Negative Control	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	LSD Positive Control	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	Low Level Benzodiazepine (Triazolam) EIA.	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	Triazolam Cutoff Control	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	Triazolam Negative Control	Vial: 4 ml	06/05/90
SolarCare Technology Corporation	Triazolam Positive Control	Vial: 4 ml	06/05/90
Supelco, Inc	Alk Mix No. 04–9210	Vial: 1 ml	08/28/73
Supelco, Inc	Amobarbital, No.04–9170	Ampule: 1 ml	12/22/72
Supelco, Inc	Amph. Mix Catalog No. 4–9205	Glass Ampule: 2 ml	06/09/86
Supelco, Inc	Amphetamine No.04–9165	Ampule: 1 ml	12/22/72
Supelco, Inc	Anticonvulsant Mixture No.1 No. 04–9202	Glass Serum Bottle: 50 ml	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: 5 ml	05/21/80
Supelco, Inc	Aprobarbital No.04–9171	Ampule: 1 ml	12/22/72
Supelco, Inc	Barb. Mix 1, Catalog No. 4–9200	Glass Ampule: 2 ml	06/09/86
Supelco, Inc	Barb. Mix 2, Catalog No. 4–9201	Glass Ampule: 2 ml	06/09/86
Supelco, Inc	Barbital, Catalog No. 4–9279	Glass Ampule: 10 ml	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: 1 ml	11/27/74
Supelco, Inc	Cannabinol, No.04–9235	Ampule: 1 ml	11/27/74
Supelco, Inc	Cocaine, No.04–9188	1000 mcg /Glass Ampule	06/05/75

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Supelco, Inc	Codeine No.04–9161	Ampule: 1 ml	12/22/72
Supelco, Inc	Cyclobarbital No.04–9175	Ampule: 1 ml	12/22/72
Supelco, Inc	Delta-1 THC, No.04–9237	Ampule: 1 ml	11/27/74
Supelco, Inc	Delta-6 THC, No.04–9238	Ampule: 1 ml	11/27/74
Supelco, Inc	Dextroamphetamine, No.4–9185	Glass Ampule: 1 ml	05/21/80
Supelco, Inc	Glutethimide No.04–9173	Ampule: 1 ml	12/22/72
Supelco, Inc	Heroin No.04–9162	Ampule: 1 ml	12/22/72
Supelco, Inc	Hexobarbital No.04–9177	Ampule: 1 ml	12/22/72
Supelco, Inc	Mephobarbital No.04–9178	Ampule: 1 ml	12/22/72
Supelco, Inc	Meprobamate, No.4–9184	Glass Ampule: 1 ml	05/21/80
Supelco, Inc	Methadone No.04–9163	Ampule: 1 ml	12/22/72
Supelco, Inc	Methamphetamine No.04–9168	Ampule: 1 ml	12/22/72
Supelco, Inc	Methaqualone, No.04–9183	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc	Morphine No. 04–9160	Glass Ampule: 1000 mcg	03/08/78
Supelco, Inc	Pentobarbital No. 04–9179	Glass Ampule: 1000 mcg	03/08/78
Supelco, Inc	Phenobarbital No. 04–9181	Glass Ampule: 1000 mcg	03/08/78
Supelco, Inc	Psilocybin, No.04–9191	1000 mcg/Glass Ampule	06/05/75
Supelco, Inc	Secobarbital No. 04–9180	Glass Ampule: 1000 mcg	03/08/78
Sure-Tech Diagnostic Associates, Inc	Codeine in Urine Matrix, Prod 924	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Morphine-3–Glucuronide in Urine Matrix, Prod 931.	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Oxazepam in Urine Matrix, Prod 934	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	3,4–Methylenedioxyamphetamine in Urine Matrix, Prod 928.	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	3,4–Methylenedioxymethylamphetamine in Urine Matrix. Prod 929.	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Alprazolam in Urine Matrix, Prod. 920	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	D-Propoxyphene in Urine Matrix, Prod 936.	Vial: 20 ml	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: 4 ml 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: 4 ml 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: 4 ml 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: 4 ml 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: 4 ml Kit: 1 vial	05/11/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Codeine No. 907–P.	Vial: 20 ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Methadone NNo. 908–P.	Vial: 20 ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Methamphetamine No. 909–P.	Vial: 20 ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Methaqualone No. 913–P.	Vial: 20 ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Oxazepam No. 910–P.	Vial: 20 ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Propoxyphene No. 911–P.	Vial: 20 ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Drugs of Abuse: Urine Controls (Blind Samples) positive Secobarbital No. 912–P.	Vial: 20 ml, Box: 1 vial	09/13/90
Sure-Tech Diagnostic Associates, Inc	Meperidine in Urine Matrix, Prod 930	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Methadone in Urine Matrix, Prod 925	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Methaqualone in Urine Matrix, Prod 927	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Nordiazepam in Urine Matrix, Prod 932	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Normeperidine in Urine Matrix, Prod 933	Vial: 20 ml	04/24/92

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Temazepam in Urine Matrix, Prod 938	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	Triazolam in Urine Matrix, Prod 939	Vial: 20 ml	04/24/92
Sure-Tech Diagnostic Associates, Inc	d-Methamphetamine/D-Amphetamine e in Urine Matrix, Prod 926.	Vial: 20 ml	04/24/92
Sure-Tech Diagnostics Associates, Inc	9-Carboxyl-11 Nor-A-9-THC in Urine Matrix, Prod 923.	Vial: 20 ml	04/24/92
Sure-Tech Diagnostics Associates, Inc	Benzoylecgonine in Urine Matrix, Prod 922.	Vial: 20 ml	04/24/92
Sure-Tech Diagnostics Associates, Inc	D-Amphetamine in Urine Matrix, Prod 921.	Vial: 20 ml	04/24/92
Syva Co	AccuLevel Phenobarbital Test Control Stock Solution.	Flask: 50 ml	10/31/85
Syva Co	AccuLevel Phenobarbital Test Kit (Catalog No. 10C019) Contains: (1) AccuLevel Phenobarbital Control (2) AccuLevel Reagent I.	(1) Glass Vial: 6 ml, (2) Glass Vial: 9 ml, 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: 10 ml, 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: 11 ml	08/05/91
Syva Co	Emit 2000 Phenobarbital Assay; Enzyme Reagent 2.	Kit: 1 bottle; Bottle: 15 ml	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: 180 ml	10/12/84
Syva Co	Emit 700 Barbiturate Assay Catalog No. 3D919.	Bottle: 180 ml	10/12/84
Syva Co	Emit 700 Benzodiazepine Assay Reagent 2.	Glass Bottle: 180 ml, Kit: 2 bottles	02/21/89
Syva Co	Emit 700 Calibrator A Catalog No. 3A919	Bottle: 3 ml	10/05/84
Syva Co	Emit 700 Calibrator B Catalog No. 3A969	Bottle: 3 ml	10/05/84
Syva Co	Emit 700 Cannabinoid (100) Assay Catalog No. 3M919.	Bottle: 180 ml	10/12/84
Syva Co	Emit 700 Cannabinoid (100) Calibrator Catalog No. 3M969.	Bottle: 3 ml	10/09/84
Syva Co	Emit 700 Cannabinoid (20) Assay, Catalog No. 3M959.	Plastic Bottle: 180 ml	09/15/86
Syva Co	Emit 700 Cannabinoid 100ng Assay, Positive Control.	Bottle: 3 ml	07/31/89
Syva Co	Emit 700 Cannabinoid 20ng Assay Calibrator.	Glass Bottle: 5 ml, Kit: 2 bottles	02/21/89
Syva Co	Emit 700 Cannabinoid 20ng Assay Control Set-Positive Control.	Glass Bottle: 5 ml, Kit: 2 bottles	02/21/89
Syva Co	Emit 700 Cannabinoid Control Set Catalog No. 3M989.	2 Bottles: 3 ml	10/09/84
Syva Co	Emit 700 Cocaine Metabolite Assay Catalog No. 3H919.	Bottle: 180 ml	10/12/84
Syva Co	Emit 700 Control Set A Catalog No. 3A939.	2 Bottles: 3 ml	10/09/84
Syva Co	Emit 700 Control Set B Catalog No. 3A989.	2 Bottles: 3 ml	10/09/84
Syva Co	Emit 700 Methaqualone Assay Catalog No. 3Q919.	Bottle: 180 ml	10/19/84
Syva Co	Emit 700 Opiate Assay Catalog No. 3B919.	Bottle: 180 ml	10/12/84
Syva Co	Emit 700 Phencyclidine Assay Catalog No. 3J919.	Bottle: 180 ml	10/12/84
Syva Co	Emit AED-No. 1 Calibrator	Vial: 3 ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 2 Calibrator	Vial: 3 ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 3 Calibrator	Vial: 3 ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 4 Calibrator	Vial: 3 ml, Lyophilized	08/27/74
Syva Co	Emit AED-No. 5 Calibrator	Vial: 3 ml, 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: 1000 ml	12/05/90

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
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: 1000 ml	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 Calibrator B Level 1 (cutoff)	Vial: 5 ml, 25 ml	06/19/91
Syva Co	Emit Calibrator B Level 2 (high)	Vial: 5 ml, 25 ml	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: 1000 ml	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: 1000 ml	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: 8 ml, 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
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: 100 ml, 500 ml Bottle: 4oz, 500 ml	06/29/90
Syva Co	Emit II Calibrator A Level 1 (Cutoff)	Vial: 10 ml, 50 ml	06/29/90
Syva Co	Emit II Calibrator A Level 2 (high)	Vial: 10 ml, 50 ml	06/29/90
Syva Co	Emit II Cannabinoid 20 ng, 50 ng, 100 ng Assay.	Bottle: 4 oz, 500 ml; Kit: 100 ml, 500 ml	10/12/90
Syva Co	Emit II Cocaine Metabolite Assay	Kit: 100 ml, 500 ml Bottle: 4 oz, 500 ml	06/29/90
Syva Co	Emit II Delta 9 Cannabinoid 20 ng/ml, 50 ng/ml, 100 ng/ml, 200 ng/ml, Calibrator/Control.	Vial: 10 ml, 50 ml	10/12/90
Syva Co	Emit II Methadone Assay	Kit: 2 vials	01/26/93
Syva Co	Emit II Methadone Assay Reagent 2	Bottle: 100 ml, 500 ml	01/26/93
Syva Co	Emit II Methaqualone Assay	Kit: 2 vials	01/26/93
Syva Co	Emit II Methaqualone Assay Reagent 2	Bottle: 100 ml, 500 ml	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: 100 ml, 500 ml	01/26/93

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Syva Co	Emit II Opiate Assay	Kit: 100 ml, 500 ml Bottle: 4 oz, 500 ml	06/29/90
Syva Co	Emit II Phencyclidine Assay	Bottle: 4 oz, 500 ml; Kit: 100 ml, 500 ml	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: 1000 ml	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: 1000 ml	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: 6 ml, 50 Vials/Kit	11/12/85
Syva Co	Emit Serum Barbiturate-Enzyme Reagent B.	Bottle: 3 ml	05/22/79
Syva Co	Emit T-Uptake Assay	Bottle: 4 oz., 1 L, 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
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., 1 L, 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: 3 ml	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: 5 ml	01/30/89
Syva Co	Emit d.a.u. Amphetamine Class Medium Calibrator, Cat. No. 3C189.	Glass Vial: 5 ml	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 100 ng Assay Calibrator.	Kit: 3 vials	07/31/89
Syva Co	Emit d.a.u. Cannabinoid 100 ng Assay Low Calibrator.	Vial: 3 ml	07/31/89
Syva Co	Emit d.a.u. Cannabinoid 100 ng Assay Medium Calibrator.	Vial: 3 ml	07/31/89
Syva Co	Emit d.a.u. Cannabinoid 20 ng Assay Catalog No. 3M619.	Kit: 100 tests	02/10/86
Syva Co	Emit d.a.u. Cannabinoid 20 ng Enzyme Reagent B.	Vial: 10 ml 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

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Syva Co	Emit d.a.u. Cannabinoid Urine Calibrator Set.	Kit: 3 Vials, 3 ml 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	Bottle: 5 ml	07/20/84
Syva Co	Emit d.a.u. Low Calibrator A	Vial: 5 ml	06/30/89
Syva Co	Emit d.a.u. Low Calibrator A, 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: 5 ml	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 No. 3C549 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: 6 ml	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: 5 ml	08/03/84
Syva Co	Emit d.a.u. Medium Calibrator A	Bottle: 5 ml	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: 3 ml	02/01/79
Syva Co	Emit-d.a.u. Methaqualone Assay	Kit: 100 tests	04/27/82
Syva Co	Emit-st Amphetamine Assay	Vial: 3 ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Barbiturate Assay	Vial: 3 ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Benzodiazepine Assay	Vial: 3 ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Cannabinoid Assay Catalog No. 3M319.	Vial: 6 ml, 80 vials/kit	09/27/84
Syva Co	Emit-st Cannabinoid Calibrator	Vial: 3 ml, 2 vials/kit	07/10/81
Syva Co	Emit-st Cannabinoid Controls	Vial: 3 ml, 2 vials/kit	07/10/81
Syva Co	Emit-st Opiate Assay	Kit: 3 ml, 80 vials/kit	10/03/80
Syva Co	Emit-st Phencyclidine Assay	Vial: 3 ml, 80 vials/kit	01/07/81
Syva Co	Emit-st Serum Barbiturate Assay	Vial: 3 ml, 80 vials/kit	02/16/81
Syva Co	Emit-st Serum Benzodiazepine Assay	Vial: 3 ml, 80 vials/kit	02/16/81
Syva Co	Emit-st Serum Calibrator	Vial: 3 ml	02/16/81
Syva Co	Emit-st Serum Controls	Vial: 3 ml, 2 vials/kit	02/16/81
Syva Co	Emit-st Serum Phencyclidine Assay	Vial: 3 ml, 80 vials/kit	02/16/81
Syva Co	Emit-st Urine Calibrator A	Vial: 1 ml, 3 vials/kit	10/03/80
Syva Co	Emit-st Urine Cocaine Metabolite Assay	Vial: 3 ml, 80 Vials/Kit	03/16/82
Syva Co	Emit-st Urine Controls A	Vial: 1 ml, 6 vials/kit	10/03/80
Syva Co	Emit-st Urine Methadone Assay	Vial: 3 ml, 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: 3 ml	04/27/82
Syva Co	Emit-st Urine Methaqualone Controls	Vial: 3 ml	04/27/82
Syva Co	IL test AED Calibrator 1	Vial: 5 ml	04/06/90
Syva Co	IL test AED Calibrator 2	Vial: 5 ml	04/06/90
Syva Co	IL test AED Calibrator 3	Vial: 5 ml	04/06/90
Syva Co	IL test AED Calibrator 4	Vial: 5 ml	04/06/90
Syva Co	IL test AED Calibrator 5	Vial: 5 ml	04/06/90
Syva Co	IL test Cannabinoid 100ng, 400ng calibrator.	Vial: 5 ml	04/06/90
Syva Co	IL test set A calibrator	Vial: 5 ml	04/06/90
Syva Co	IL test set A control	Vial: 5 ml	04/06/90
Syva Co	IL test set B calibrator	Vial: 5 ml	04/06/90
Syva Co	IL test set B control	Vial: 5 ml	04/06/90
Syva Co	Vista Thyroxine Uptake Reagent Cartridge.	Cartridge: 4 ml	01/22/93
Syva Company	Vista Triiodothyronine (T3) Reagent Cartridge.	Cartridge: 2.02 ml	09/11/92
Syva Laboratories	Emit Benzodiazepine Bulk Reagent B	Glass Bottle: 1000 ml	12/05/90
Technicon Instruments Corporation	Immuno-1 Setpoint TDM Calibrators Kit No. T03–2864 Component No. T13–2864(02–06).	Glass Bottles: 5 ml, Kit: 5 Bottles	01/03/91

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Technicon Instruments Corporation	Technicon RA Systems Set Point	Vial: 5 ml Kit: 5 vials	07/20/90
Technicon Instruments Corporation	Technicon Testpoint Ligand Controls Kit No. TO3–3229–01, Level I: No. T13–3230, Level II: No. T13–3231, Level III: No. T13–3232.	Glass vial: 5 ml; Kit: 6 vials	01/16/91
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: 125 ml	12/05/91
The Binding Site, Inc	Immunofixation Kit	Kit: 125 ml Plastic Bottle	12/05/91
The Theta Corp	Allobarbital No. FP305	Vial: 2 ml	04/10/73
The Theta Corp	Amobarbital No. FP313	Vial: 2 ml	04/10/73
The Theta Corp	Amphetamine No. FP604	Vial: 2 ml	04/10/73
The Theta Corp	Anileridine No. FP203	Vial: 2 ml	04/10/73
The Theta Corp	Aprobarbital No. FP306	Vial: 2 ml	04/10/73
The Theta Corp	Barbital No. FP314	Vial: 2 ml	04/10/73
The Theta Corp	Benzoylecgonine FP–1001	Vial: 2 ml	01/24/87
The Theta Corp	Butabarbital No. FP315	Vial: 2 ml	04/10/73
The Theta Corp	Butalbital No. FP307	Vial: 2 ml	04/10/73
The Theta Corp	Chloral Betaine No. FP502	Vial: 2 ml	04/10/73
The Theta Corp	Chloral Hydrate No. FP501	Vial: 2 ml	04/10/73
The Theta Corp	Cocaine No. FP601	Vial: 2 ml	04/10/73
The Theta Corp	Codeine No. FP102	Vial: 2 ml	04/10/73
The Theta Corp	Cyclobarbital No. FP308	Vial: 2 ml	04/10/73
The Theta Corp	Dihydrocodeine No. FP108	Vial: 2 ml	04/10/73
The Theta Corp	Diphenoxylate No. FP205	Vial: 2 ml	04/10/73
The Theta Corp	Ethchlorvynol No. FP508	Vial: 2 ml	04/10/73
The Theta Corp	Ethylmorphine No. FP106	Vial: 2 ml	04/10/73
The Theta Corp	FP207	Vial: 2 ml	09/04/80
The Theta Corp	FP210	Vial: 2 ml	05/15/84
The Theta Corp	FP214	Vial: 2 ml	04/10/84
The Theta Corp	FP327	Vial: 2 ml	04/10/84
The Theta Corp	FP405	Vial: 2 ml	03/08/79
The Theta Corp	FP411	Vial: 2 ml	05/15/84
The Theta Corp	FP412	Vial: 2 ml	05/15/84
The Theta Corp	FP416	Vial: 2 ml	05/15/84
The Theta Corp	FP512	Vial: 2 ml	03/08/79
The Theta Corp	FP513	Vial: 2 ml	03/08/79
The Theta Corp	FP514	Vial: 2 ml	05/15/84
The Theta Corp	FP515	Vial: 2 ml	03/08/79
The Theta Corp	FP556	Vial: 2 ml	04/10/84
The Theta Corp	FP601A	Vial: 2 ml	05/15/84
The Theta Corp	FP607	Vial: 2 ml	05/15/84
The Theta Corp	FP609	Vial: 2 ml	05/15/84
The Theta Corp	Fentanyl No. FP211	Vial: 2 ml	04/10/73
The Theta Corp	Glutethimide No. FP404	Vial: 2 ml	04/10/73
The Theta Corp	Heptabarbital No. FP309	Vial: 2 ml	04/10/73
The Theta Corp	Hexabarbital No. FP303	Vial: 2 ml	04/10/73
The Theta Corp	Hydrocodone No. FP107	Vial: 2 ml	04/10/73
The Theta Corp	Hydromorphone No. FP103	Vial: 2 ml	04/10/73
The Theta Corp	Levorphanol No. FP208	Vial: 2 ml	04/10/73
The Theta Corp	Marker Mixture No. FPM–104	Vial: 2 ml	04/10/73
The Theta Corp	Marker Mixture No. FPM–201	Vial: 2 ml	04/10/73
The Theta Corp	Meperidine No. FP201	Vial: 2 ml	04/10/73
The Theta Corp	Mephobarbital No. FP301	Vial: 2 ml	04/10/73
The Theta Corp	Meprobamate No. FP402	Vial: 2 ml	04/10/73
The Theta Corp	Methadone No. FP206	Vial: 2 ml	04/10/73
The Theta Corp	Methamphetamine No. FP603	Vial: 2 ml	04/10/73
The Theta Corp	Metharbital No. FP302	Vial: 2 ml	04/10/73
The Theta Corp	Methohexital No. FP304	Vial: 2 ml	04/10/73
The Theta Corp	Methylphenidate No. FP605	Vial: 2 ml	04/10/73
The Theta Corp	Monthly Urine Test No. FPM–103	Vial: 2 ml	04/10/73
The Theta Corp	Morphine No. FP101	Vial: 2 ml	04/10/73
The Theta Corp	Oxycodone No. FP109	Vial: 2 ml	04/10/73
The Theta Corp	Oxymorphone No. FP104	Vial: 2 ml	04/10/73
The Theta Corp	Paraldehyde No. FP506	Vial: 2 ml	04/10/73
The Theta Corp	Pentobarbital No. FP318	Vial: 2 ml	04/10/73
The Theta Corp	Phenazocine No. FP213	Vial: 2 ml	04/10/73
The Theta Corp	Phenmetrazine No. FP606	Vial: 2 ml	04/10/73
The Theta Corp	Phenobarbital No. FP320	Vial: 2 ml	04/10/73
The Theta Corp	Piminodine No. FP202	Vial: 2 ml	04/10/73
The Theta Corp	Probarbital No. FP319	Vial: 2 ml	04/10/73
The Theta Corp	Secobarbital No. FP310	Vial: 2 ml	04/10/73

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
The Theta Corp	Talbutal No. FP311	Vial: 2 ml	04/10/73
The Theta Corp	Test Mixture SM No. 1	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture SM No. 2	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture SM No. 3	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture SM No. 4	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture SP No. 1	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture SP No. 2	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture SP No. 3	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture SP No. 4	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture TM No. 1	Vial: 2 ml	06/19/74
The Theta Corp	Test Mixture TM No. 2	Vial: 2 ml	06/19/74
The Theta Corp	Thiamylal No. FP322	Vial: 2 ml	04/10/73
The Theta Corp	Thiopental No. FP321	Vial: 2 ml	04/10/73
The Theta Corp	Vinbarbital No. FP312	Vial: 2 ml	04/10/73
The Theta Corp	Weekly Urine Test (FDA) No. FPM–101	Vial: 2 ml	04/10/73
The Theta Corp	Weekly Urine Test (States) No. FPM–102	Vial: 2 ml	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 vial 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 vial containing 50 standard discs	06/15/88
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: 10 ml	04/14/80
Utak Laboratories	Toxicology Control—High Range Barbiturates No. 71916.	Bottle: 10 ml	04/14/80
Utak Laboratories	Toxicology Control—High Range Hypnotic Plus Acetaminophem, No. 71918.	Bottle: 10 ml	04/14/80
Utak Laboratories	Toxicology Control—High Range Hypnotic Plus Salicylate, No. 71920.	Bottle: 10 ml	04/14/80
Utak Laboratories	Toxicology Control—Mid Range Anticonvulsants No. 71911.	Bottle: 10 ml	04/14/80
Utak Laboratories	Toxicology Control—Mid Range Barbiturates No. 71917.	Bottle: 10 ml	04/14/80
Utak Laboratories	Toxicology Control—Mid Range Hypnotic Plus Acetaminophem, No. 71919.	Bottle: 10 ml	04/14/80
Utak Laboratories	Toxicology Control—Mid Range Hypnotic Plus Salicylate, No. 71921.	Bottle: 10 ml	04/14/80
Utak Laboratories	Toxicology Serum Control Dried #88112	Bottle: 10 ml	07/29/82

EXEMPT CHEMICAL PREPARATIONS—Continued

Supplier	Product name	Form	Date
Utak Laboratories	Toxicology Serum Control Dried #88113	Bottle: 10 ml	07/29/82
Utak Laboratories	Toxicology Serum Control Dried #88120	Bottle: 10 ml	07/29/82
Utak Laboratories	Toxicology Serum Control-Dried Catalog Nos. 44610, 44612, 44632, 44635, 44636, 44637, 44642, 44645, 44646, 44647, 44658.	In bottles	05/24/76
Utak Laboratories	Toxicology Urine Control Dried #88100	Bottle: 20 ml	07/29/82
Utak Laboratories	Toxicology Urine Control Dried #88121	Bottle: 10 ml	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: 5 ml	04/12/90
Ventrex Laboratories, Inc	PTH Assay Buffer	Vial: 10 ml	04/12/90
Ventrex Laboratories, Inc	PTH Omega Radio-immunoassay Kit	Kit: 60 tests	04/12/90
Ventrex Laboratories, Inc	PTH Second Antibody	Vial: 10 ml	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: 5.5 ml	02/21/91
Wien Laboratories, Inc	3H Epi-Testosterone Cat. No. T–1028	Vial: 5.5 ml	02/21/91
Wien Laboratories, Inc	3H Testosterone Cat. No. T–3027	Vial: 5.5 ml	02/21/91
Wien Laboratories, Inc	ANS Buffer pH 8.6 Catalog No. T–5144	Plastic bottle: 100 ml	05/14/75
Wien Laboratories, Inc	Buffer Reagent pH 8.6 Catalog No. T–5065.	Bottle: 4 oz	12/22/72
Wien Laboratories, Inc	Coated Charcoal Suspension No. T–5077	Bottle: 4 oz	12/22/72
Wien Laboratories, Inc	Dihydrotestosterone Standard 1 ng/ml Cat. No. D–1928.	Vial: 5.5 ml	02/21/91
Wien Laboratories, Inc	Epi-Testosterone Standard, 10 ng/ml Cat. No. T–1016.	Vial: 5.5 ml	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: 5 ml, 10 ml	06/25/90
Wien Laboratories, Inc	T3 Buffer Reagent Catalog No. T–5156	Plastic vial: 20 ml	09/13/78
Wien Laboratories, Inc	Testosterone Standard, 10 ng/ml Cat. No. T–3039.	Vial: 5.5 ml	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

[FR Doc. 93–7320 Filed 3–31–93; 8:45 am]

BILLING CODE 4410–09–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 50 and 574

[Docket No. R–93–1606; FR–3178–C–02]

Housing Opportunities for Persons With AIDS; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule; correction.

SUMMARY: On July 20, 1992 (57 FR 32106), the Department published in the **Federal Register**, an interim rule that governed the operation of the Housing Opportunities for Persons with AIDS (HOPWA) program. The rule, in part, amended title 24 of the CFR by erroneously adding a new § 50.19 to part 50. A new § 50.19 had already been added to part 50 in an interim rule published on January 14, 1992 (57 FR 1385).

The purpose of this document is to correct the amendatory language in the July 20 interim rule to indicate that § 50.19 is being revised instead of being added.

EFFECTIVE DATE: August 19, 1992.

FOR FURTHER INFORMATION CONTACT: James N. Forsberg, Director, Office of Special Needs Assistance Programs, (202) 708–4300; TDD: (202) 708–2565; Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–7000. (Telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 92–16791, published in the **Federal Register**, on July 20, 1992 (57 FR 32106), is corrected to read as follows:

On page 32110, in the middle column, the amendatory language for item 4, is corrected to read, "4. Section 50.19 is revised to read as follows:".

Dated: March 29, 1993.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 93–7586 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–32–M

24 CFR Part 905

[Docket No. R–93–1654; FR–3494–F–02]

Definition of Annual Income: Holocaust Reparations; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule on the definition of annual income with regard to Holocaust reparations published on March 24, 1993 (58 FR 15773). The regulations section amended for the Indian housing program was § 905.320, whereas the section that should have been amended is § 905.102.

EFFECTIVE DATE: April 23, 1993.

FOR FURTHER INFORMATION CONTACT: Casimir Bonkowski, Director, Office of Management and Policy, Office of Public and Indian Housing, room 4224, 451 Seventh Street SW., Washington, DC 20410, Telephone (202) 708–0444 (voice) or (202) 708–0850 (TDD). (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: The final rule published on March 24, 1993, revising the definition of annual income

in several program regulations to exclude from family income reparation payments made by foreign governments in connection with the Holocaust, contained an error with respect to the amendment of part 905. The definition of annual income is found not in § 905.320, as referenced in the rule published on that date, but in § 905.102. It is found there in an alphabetical list of defined terms.

Accordingly, FR Doc. 93–6625 published at 58 FR 15773, is corrected as follows:

1. On page 15775, in the second column, amendatory instruction number 8 and the regulatory text for § 905.320 are removed, and a new instruction 8 and the regulatory text for § 905.102 are correctly added in their place:

8. In § 905.102, the definition of "Annual income" is amended by redesignating paragraph (2)(x) as paragraph (2)(xi); by removing the word "or" after paragraph 2(ix); and by adding new paragraphs (2)(x) and (4), to read as follows:

§ 905.102 Definitions.

* * * * *

Annual income. * * *

(2) * * *

(x) For all initial determinations and reexaminations of income carried out on or after April 23, 1993, reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era; or

* * * * *

(4) Any family receiving the reparation payments referred to in paragraph (2)(x) of this definition of Annual Income that has been requested to repay assistance under this part as a result of receipt of such payments shall not be required to make further repayments on or after April 23, 1993.

* * * * *

Dated: March 26, 1993.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 93–7504 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–32–M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3500

[Docket No. R–93–1256; FR–1942–C–08]

RIN 2502–AC09

Real Estate Settlement Procedures Act (Regulation X), Final Rule; Correction

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

ACTION: Final rule; correction.

SUMMARY: On November 2, 1992 (57 FR 49600), the Department published in the **Federal Register**, a final rule that revised the regulations for the Real Estate Settlement Procedures Act of 1974 (RESPA), also known as Regulation X, to conform to section 461 of the Housing and Urban-Rural Recovery Act of 1983 (HURRA). A document was published on December 1, 1992 (57 FR 56856) that in part corrected appendices C and D to part 3500.

In order to avoid confusion, the purpose of this document is to publish in their entirety Appendices C and D to incorporate corrections made in the publication of December 1 with the original document published on November 2, 1992.

EFFECTIVE DATE: December 2, 1992.

FOR FURTHER INFORMATION CONTACT: David Williamson, Director, RESPA Enforcement, room 5241, (202) 708–4560 or, for legal questions, Grant E. Mitchell or John B. Shumway, Office of General Counsel, (202) 708–1550, room 10252, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 92–26547, the final rule published in the **Federal Register** on Monday, November 2, 1992 (57 FR 49600), as corrected by FR Doc. 92–29058, a correction document published on December 1, 1992 (57 FR 56856), is further corrected to read as follows:

On pages 49620, 49621, and 49622, as corrected on page 56857, remove appendices C and D, and add in their places, the corrected appendices C and D, to read as set forth below.

Dated: March 29, 1993.

Grady J. Norris,

Assistant General Counsel for Regulations.

Appendix C to Part 3500

Sample Form of Good Faith Estimate

[Name of Lender] [1]

The information provided below reflects estimates of the charges which you are likely to incur at the settlement of your loan. The fees listed are estimates—the actual charges may be more or less. Your transaction may not involve a fee for every item listed.

The numbers listed beside the estimates generally correspond to the numbered lines contained in the HUD–1 settlement statement which you will be receiving at settlement. The HUD–1 settlement statement will show you the actual cost for items paid at settlement.

Item [2]	HUD–1	Amount or range
Loan origination fee.	801	$_____
Loan discount fee.	802	$_____
Appraisal fee	803	$_____
Credit report	804	$_____
Inspection fee	805	$_____
Mortgage broker fee.	[Use blank line in 800 Section].	$_____
CLO access fee	[Use blank line in 800 Section].	$_____
Tax related service fee.	[Use blank line in 800 Section].	$_____
Interest for [X] days at $_____per day.	901	$_____
Mortgage insurance premium.	902	$_____
Hazard insurance premiums.	903	$_____
Reserves	1000–1005	$_____
Settlement fee	1101	$_____
Abstract or title search.	1102	$_____
Title examination	1103	$_____
Document preparation fee.	1105	$_____
Attorney's fee	1107	$_____
Title insurance	1108	$_____
Recording fees	1201	$_____
City/County tax stamps.	1202	$_____
State tax	1203	$_____
Survey	1301	$_____
Pest inspection	1302	$_____
[Other fees—list here].		$_____

_____

Applicant

_____

Date

_____

Authorized Official

These estimates are provided pursuant to the Real Estate Settlement Procedures Act of 1974, as amended (RESPA). Additional information can be found in the HUD Special Information Booklet, which is to be provided to you by your mortgage broker or lender.

Footnotes

[1] The name of the lender shall be placed at the top of the form. Additional information identifying the loan application and property may appear at the bottom of the form or on a separate page. Exception: If the disclosure is being made by a mortgage broker who is not an exclusive agent of the lender, the lender's name will not appear at the top of the form, but the following legend must appear:

This Good Faith Estimate is being provided by _____, a mortgage broker, and no lender has yet been obtained. A lender will provide you with an additional Good Faith Estimate within three Business Days of the receipt of your loan application.

[2] Items for which there is estimated to be no charge to the borrower are not required to be listed. Any additional items for which there is estimated to be a charge to the borrower shall be listed if required on the HUD–1.

Appendix D to Part 3500

Controlled Business Arrangement Disclosure Statement Format

Notice

To: Buyer or Seller

From: [Entity Making Statement]

Property:
Date: _____

This is to give you notice that [referring party] has a business relationship with [provider]. [Describe the nature of the relationship between the referring party and the provider, including ownership and financial interests.]

Set forth below is the estimated charge or range of charges by [provider] for the following settlement services:

_____: $_____
_____: $_____
_____: $_____

You are not required to use [provider] as a condition for [settlement of your loan on] [or] [purchase or sale of] the subject property. You may be able to get these services at a lower rate by shopping with other settlement service providers.[1]

A lender is allowed to require the use of an attorney, credit reporting agency or real estate appraiser chosen to represent the lender's interest.

[FR Doc. 93–7603 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–27–M

[1] Where the lender is requiring an attorney, credit reporting agency or real estate appraiser to represent its interests, this paragraph should be omitted

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8432]

RIN 1545–AP18

Branch Profits Tax; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to the correction to final regulations.

SUMMARY: This document contains a correction to the correction to final regulations (T.D. 8432), which was published in the **Federal Register** for Friday, December 18, 1992 (57 FR 60126). The final regulations relate to the branch profits tax, branch-level interest tax and qualified resident rules issued under section 884 of the Internal Revenue Code of 1986.

EFFECTIVE DATE: October 13, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth U. Karzon (202) 622–3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction to the final regulations that is the subject of this document corrects the final rules that provide guidance to comply with section 884 and generally affect foreign corporations engaged in trade or business in the United States. These regulations also provide guidance relating to the application of section 884 to foreign governments in light of the changes made by the Technical and Miscellaneous Revenue Act of 1988 under section 892(a)(3) of the Internal Revenue Code.

Need for Correction

As published, one of the corrections to T.D. 8432 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the correction to final regulations (T.D. 8432), which was the subject of FR Doc. 92–30310 is corrected as follows:

§ 1.884–1 [Corrected]

On page 60126, column 2, § 1.884–1 [Corrected], regulatory text of § 1.884–1(d)(2)(vii) following amendatory instruction 3, line 6, the language "the United States during the taxable" is corrected to read "the active conduct of a banking, financing, or similar business in the United States during the taxable".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–7607 Filed 3–31–93; 8:45 am]

BILLING CODE 4830–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket Nos. 89–79, FCC 93–133]

Creation of Access Charge Subelements for Open Network Architecture

AGENCY: Federal Communications Commission [FCC].

ACTION: Final rule.

SUMMARY: This order adopts the tentative conclusions of the Supplemental Notice of Proposed Rulemaking. It requires the Bell Operating Companies (BOCs) to justify the prices of restructured unbundled optional Open Network Architecture (ONA) services (also known as basic service elements or BSEs) by providing the same cost support that the Part 69/ONA Order required them to provide for the prices of the initial set of unbundled BSEs. Thus, BOCs must show that the prices set for restructured unbundled BSEs equal their direct costs plus a reasonable allocation of overhead costs. This action is intended to forestall unreasonably discriminatory pricing of future ONA services.

EFFECTIVE DATE: June 30, 1993.

FOR FURTHER INFORMATION CONTACT: Mark S. Nadel, Common Carrier Bureau, (202) 632–1301.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Public reporting burden for this collection of information is estimated to average 262.09 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Paperwork Reduction Project (3060–0298), Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project (3060–0298), Washington, DC 20503.

Background

CC Docket 89–79: Notice of Proposed Rulemaking, Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket 89–79. Adopted: March 30, 1989. Released: May 9, 1989. 54 FR 20873 (May 15, 1988). By the Commission. Report and Order & Order on Further Reconsideration & Supplemental Notice of Proposed Rulemaking, Amendment of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture; Policy and Rules Concerning Rates for Dominant Carriers, CC Docket Nos. 89–79 and 87–313; FCC 91–186. Adopted: June 13, 1991. Released: July 11, 1991. 56 FR 33879 (July 24, 1991). By the Commission.

Summary of Memorandum Opinion and Order on Second Further Reconsideration

This is a summary of the Commission's Report & Order in Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket No. 89–79; FCC 93–133, Adopted: March 8, 1993 and Released: March 23, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, (202) 857–3800, 2100 M St., NW., suite 140, Washington, DC 20037.

The Commission has required the BOCs to make the same cost showings for rates for restructured unbundled BSEs as they made for the rates for their initial set of new unbundled BSEs. The BOCs must show that the rates for future unbundled BSEs reflect the direct costs of the BSEs plus reasonable overhead loadings. Carriers must also ensure revenue neutrality for these restructured services by adjusting their rates for the residual basic serving arrangements (BSAs) to account for the revenues projected from any unbundled BSEs. Moreover, the BOCs must also document any cost models they use and abide by the flagging requirements that require the BOCs to identify which BSEs tney expect to use themselves. The Commission finds that these requirements should help protect against discriminatory pricing of BSEs by the BOCs.

List of Subjects in 47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Amendments to the Code of Federal Regulations

Title 47 of the CFR, part 61 is amended as follows:

PART 61—TARIFFS

1. The authority citation for part 61 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

2. Section 61.49 is amended by revising paragraph (g)(2) and the introductory portion of paragraph (h) to read as follows:

§ 61.49 Supporting information to be submitted with letters of transmittal for tariffs of carriers subject to price cap regulation.

* * * * *

(g)(1) * * *

(g)(2) Each tariff filing submitted by a local exchange carrier specified in § 61.41(a) (2) or (3) of this part that introduces a new service or a restructured unbundled basic service element (BSE) (as BSE is defined in § 69.2 (mm)) that is or will later be included in a basket must be accompanied by cost data sufficient to establish that the new service or unbundled BSE will not recover more than a reasonable portion of the carrier's overhead costs.

(h) Each tariff filing by a local exchange carrier specified in § 61.41(a) (2) or (3) of this part that introduces a new service or a restructured unbundled basic service element (BSE) (as BSE is defined in § 69.2 (mm)) that will later be included in a basket must be accompanied by:

* * * * *

[FR Doc. 93–7465 Filed 3–31–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 64

[CC Docket No. 91–65; FCC 93–88]

Interstate Pay-Per-Call Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted this Order on Reconsideration to resolve various petitions for reconsideration and clarification of the Report and Order adopting regulations governing the provision of interstate pay-per-call or "900" services. The Order on Reconsideration largely denies the petitions and, with one minor modification, affirms existing pay-per-call regulations which were adopted to protect consumers from fraudulent and deceptive practices associated with the provision of some pay-per-call services.

EFFECTIVE DATE: May 3, 1993.

FOR FURTHER INFORMATION CONTACT: Mary Romano, Enforcement Division, Common Carrier Bureau, 202–632–4887.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order on Reconsideration in CC Docket No. 91–65 [FCC 93–88], adopted February 11, 1993 and released March 10, 1993. The full text of the Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Reference Center, room 239, 1919 M Street, NW., Washington, DC. The full text of this Order on Reconsideration may also be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

Summary of Order on Reconsideration

1. On February 11, 1993, the Commission adopted an Order on Reconsideration in CC Docket No. 91–65 (released March 10, 1993; FCC 93–88) affirming, with one minor change, regulations governing pay-per-call services that were adopted by Report and Order in CC Docket 91–65, 56 FR 56160, November 1, 1991, (6 FCC Rcd 6166).

2. In the Report and Order, the Commission adopted rules governing common carriers' provision of pay-per-call services, including 900 services. Those rules, which became effective December 2, 1991, require carriers to ensure that the pay-per-call programs they transmit contain a preamble that gives the information provider's (IP's) name, a brief description of the service, the cost of the program and a warning, on programs that are aimed at or likely to be of interest to children under age 18, that parental permission is required. The preamble may be omitted on programs with a flat-rate charge of $2.00 or less. Callers must also be allowed to hang up during the preamble without incurring charges, and may not be billed for the preamble time if they continue the call. The Commission preempted state-imposed preamble requirements on jurisdictionally-mixed services that differ from the federal requirement. The

Commission also prohibited carriers from disconnecting basic telephone service because of disputes about pay-per-call charges. Local exchange carriers (LECs) must offer, where technically feasible, services to allow subscribers to block all calls to 900 numbers; that service is to be provided free of charge one time to residential subscribers. Finally, the Commission required the interexchange carriers (IXCs) transmitting pay-per-call programs to provide, on request, the name, address and telephone number of information providers using their services.

3. Ten parties filed petitions for reconsideration of the Report and Order. Two parties also filed requests for stay of the effectiveness of the rules, but the Commission dismissed these requests as procedurally defective. Certain petitioners asserted that the cost threshold for exemption from the preamble requirement was too low, that an average cost or cost-indexing procedure should be used, and that certain programs charged on a usage-sensitive basis should be exempted. The Commission declined to change the scope of the preamble exemption, noting that there is no basis for assuming that all low cost usage-sensitive programs will result only in minimal charges to users. The petitioners' other suggestions were deemed to be difficult to enforce and might create new opportunities for the deception of consumers. Also, the Commission maintained the $2.00 flat rate threshold because no party demonstrated that the Commission's balancing of the interests in arriving at this amount was incorrect. The Commission also declined to exempt non-verbal programs from the preamble requirement, but did change the rule to provide that the preamble on such programs need not be audible.

4. Several parties challenged the Commission's determination that a caller who stays on the line after hearing a preamble should not be charged for the preamble time, and questioned what carrier is responsible for ensuring the accuracy of the billing. The Commission affirmed the prohibition on charging callers for preamble time. It acknowledged that some callers may abuse that feature by bypassing the preamble and listening to a program during the free period, but found that carriers could deter this abuse by starting the billing as soon as the caller bypassed the preamble. Finally, the Commission stated that responsibility for ensuring that billing begins at the correct time should rest on the carrier responsible for rating the call.

5. The Commission considered challenges to the scope of the children's preamble warning. In response to concerns that the age limit of children should be reduced to twelve years, as is the case in other rules, the Commission noted that it had not selected a single age standard to separate children from adults for all regulatory purposes. The basis for selecting age 18 as the threshold for the preamble warning in this proceeding was that a child's ability to turn an impulse to buy immediately into an actual purchase is much greater with a pay-per-call service than with broadcast advertising. Thus, the Commission balanced the need to protect children who lack the maturity to make an informed purchase decision against the possible adverse impact of the warning and concluded that the rule should be retained. The Commission also declined to adopt rules governing preambles and advertising in languages that differ from the call message, noting that the Federal Trade Commission had jurisdiction to prevent abuses arising in this regard.

6. In response to challenges by several parties to the preemption of state-imposed preamble requirements that differ from the federal requirement, the Commission noted that the record in the proceeding demonstrated that neither the LECs, IXCs nor IPs had the capability to jurisdictionally sort the traffic to a 900 service to separate the intrastate calls. Preemption was accordingly justified because state regulation of jurisdictionally mixed 900 service would thwart or impede the federal policy of facilitating development of interstate 900 service. The Commission recognized that after close of the record, AT&T made a tariff filing that apparently would allow an IP to isolate intrastate 900 calls on a real time basis. The Commission concluded that it need not seek additional comment on this feature in this proceeding, however, because the Commission's limited preemption will cease when the Federal Trade Commission adopts a preamble rule that applies directly to IPs. The Commission noted that in a separate proceeding, it was proposing to abolish its preamble requirement upon effectiveness of the new FTC rule.

7. One party sought a Commission requirement that the billing carriers print the IP's name, address and telephone number on all bills containing charges for 900 services, in addition to the requirement that IXCs provide that information on request. The Commission stated that the practical difficulties involved in implementing that proposal may outweigh the modest incremental benefit which would be provided to consumers. The Commission noted that such information is now available to consumers on request, and that, in any event, the Commission was in a separate proceeding considering what information should be provided on consumer's bills in addition to that required by statute.

8. The Commission's blocking requirements allow residential consumers to obtain a free one-time block of access to 900 calls; that free feature was not extended to commercial customers. One party sought free blocking for commercial accounts also, stating that such blocking will benefit the IXCs and IPs by reducing their losses. Another party asked the Commission to rule that the costs of providing the free block are exogeneous for price cap LECs. The Commission declined to extend the "one free block" policy to commercial customers. It noted that the free block was a limited exception to the Commission's policy that the subscriber who causes a cost should bear the responsibility for payment thereof, and that extending the program to commercial customers would expand that exception. The Commission observed, however, that the Telephone Disclosure and Dispute Resolution Act (TDDRA) mandates a free block period of limited duration for all subscribers, and therefore, upon effectuation of new pay-per-call rules to be adopted in a separate proceeding implementing the TDDRA, free blocking will be available to commercial subscribers. Finally, the Commission stated that not all costs resulting from governmental action are automatically treated as exogenous, and that no showing had been made to support a finding that the costs of the free block program should be exogenous.

9. The Commission considered the issue of whether carriers should be allowed to bundle blocking of access to 900 service with other blocking features. It ruled that such bundled blocking may not be imposed for 900 and 700 services, because that action would force customers to choose between avoiding liability for pay-per-call charges and accessing the business services which the IXCs provide on the 700 exchange. The Commission also clarified that the federal rules do not apply to 976 services in local calling areas that cross state lines and are not accessed through an IXC.

Ordering Clauses

10. *Accordingly, it is ordered,* pursuant to sections 1, 4(i), 4(j), 201–205, and 405 of the Communications

Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205 and 405, that the petitions for reconsideration filed in this proceeding are denied, except as provided herein.

11. *It is further ordered, that* part 64 of the Commission's rules, 47 CFR part 64, is amended as set forth herein, effective 30 days from publication of the text thereof in the Federal Register.

12. *It is further ordered, that* COAC's request that the commission stay the effectiveness of the pay-per-call rules and NAIS's Motion to Accept Late Filed Petition for Reconsideration and Motion to Hold Rules in Abeyance are dismissed.

13. *It is further ordered, that* NAAG's Motion to Accept Responsive Pleading is granted.

14. *It is further ordered, that* the motions to withdraw petitions for waiver filed by MCI and AT&T are granted.

List of Subjects in 47 CFR Part 64

Communications common carriers, Computer technology, Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Final Rule

Part 64 of title 47 of the Code of Federal Regulations is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 226, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, 226, unless otherwise noted.

2. Section 64.711 is amended by revising paragraph (a) to read as follows:

§ 64.711 Preamble.

(a) Programs must begin with a clearly understandable and (except for non-verbal programs) audible preamble that states the cost of the call. The preamble must disclose all per call charges. If the call is billed on a usage sensitive basis, the preamble must state all rates, by minute or other unit of time, any minimum charges and the total cost for calls to that program if the duration of the program can be determined. No preamble is required for programs with a flat-rate charge of $2 or less.

* * * * *

[FR Doc. 93–7464 Filed 3–31–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 921119–3035]

RIN 0648–AE49

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). This rule seasonally modifies the boundary of the Tortugas shrimp sanctuary to reduce the area closed to trawl fishing. This action will enable fishermen to harvest marketable-sized shrimp during specified periods from three small areas that otherwise would be closed.

EFFECTIVE DATE: April 11, 1993.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813–893–3161.

SUPPLEMENTARY INFORMATION: The shrimp fishery of the Gulf of Mexico is managed under the FMP, prepared and amended by the Gulf of Mexico Fishery Management Council (Council), and its implementing regulations at 50 CFR part 658, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Amendment 6 to the FMP establishes the seasonal opening of three small areas within the Tortugas shrimp sanctuary, as has been done in each of the last 3 years by regulatory amendments. Amendment 6 also contains a definition of overfishing, a discussion of recruitment overfishing, and action to be taken in the event of recruitment overfishing, all applicable to white shrimp. The Secretary of Commerce (Secretary) disapproved these measures because the definition of overfishing is not scientifically justified. The background and rationale for these actions, and discussion of a minority report submitted by four members of the Council on Amendment 6, were contained in the proposed rule (57 FR 58175, December 9, 1992) and are not repeated here.

One comment was received on the proposed rule. The commenter agreed that the seasonal modification of the boundary of the Tortugas shrimp sanctuary is reasonable, urged the Council to continue its efforts to determine the cause of the pink shrimp decline, and agreed with the minority report. NMFS acknowledges the agreement with the changes to the boundary of the Tortugas shrimp sanctuary and has referred to the Council the concerns regarding the decline of pink shrimp. As noted above, discussion of the minority report was included in the proposed rule.

Classification

The Secretary determined that the changes to the Tortugas shrimp sanctuary contained in Amendment 6 are necessary for the conservation and management of the shrimp fishery and are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law.

The Assistant Administrator for Fisheries, NOAA, determined that this final rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291.

The Council prepared a regulatory impact review that concludes that this rule is not expected to have any significant economic effects on fishermen because it makes permanent the changes to the Tortugas shrimp sanctuary that have been in effect for the last 3 years.

When this rule was proposed, the General Counsel of the Department of Commerce certified to the Small Business Administration that if it was adopted it would not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared.

The Council prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this rule.

Based on the EA, the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of this rule.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not participate in the coastal zone management program. This determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Florida objected to the proposed definition of overfishing for white shrimp and did not concur with this determination. Since NMFS rejected and severed this definition from Amendment 6, Florida's objection is moot.

A consultation conducted in accordance with section 7 of the

Endangered Species Act on Amendment 6 concluded that neither the fishery nor this amendment is likely to jeopardize endangered or threatened sea turtles as long as the current turtle excluder device regulations remain in effect.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator, pursuant to the Administrative Procedure Act (5 U.S.C. 553(d)(3)), finds for good cause, namely to ensure that fishermen may take full advantage of the additional areas opened to trawl fishing by this rule commencing on April 11, 1993, as they have been able to do in each of the last 3 years under temporary regulations, that it is impracticable to delay for 30 days the effective date of this rule. Accordingly, the seasonal modifications to the Tortugas shrimp sanctuary are effective April 11, 1993.

List of Subjects in 50 CFR Part 658

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 26, 1993.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 658 is amended as follows:

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 658 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 658.22, the existing text is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 658.22 Tortugas shrimp sanctuary.

* * * * *

(b) The provisions of paragraph (a) of this section notwithstanding,

(1) Effective from April 11 through September 30, each year, that part of the Tortugas shrimp sanctuary seaward of a line connecting the following points is open to trawl fishing: From point T at 24° 47.8′ N. latitude, 82° 01.0′ W. longitude to point U at 24° 43.83′ N. latitude, 82° 01.0′ W. longitude (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point V at 24° 42.55′ N. latitude, 82° 15.0′ W. longitude; thence north to point W at 24° 43.6′ N. latitude, 82° 15.0′ W. longitude (see Figure 1).

(2) Effective from April 11 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of a line connecting the following points is open to trawl fishing: From point W to point V, both points as specified in paragraph (b)(1) of this section, to point G, as specified in paragraph (a) of this section (see Figure 1).

(3) Effective from May 26 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of a line connecting the following points is open to trawl fishing: From point F, as specified in paragraph (a) of this section, to point Q at 24° 46.7′ N. latitude, 81° 52.2′ W. longitude (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point U and north to point T, both points as specified in paragraph (b)(1) of this section (see Figure 1).

[FR Doc. 93–7577 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 61
Thursday, April 1, 1993

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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 100

[Docket No. 92N–0383]

Misleading Containers; Nonfunctional Slack-Fill; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of January 6, 1993 (58 FR 2957). The document proposed to amend agency regulations to define the circumstances in which a food is misbranded under the Federal Food, Drug, and Cosmetic Act and in which the slack-fill within a package is nonfunctional and therefore misleading. The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

DATES: Written comments by March 8, 1993. The agency intends to issue a final rule by May 8, 1993.

ADDRESSES: Written comments may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5106.

In FR Doc. 92–31528, appearing on page 2957 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2963, in the third column, in the tenth line from the bottom, "producthas" is corrected to read "product has".

2. On page 2964, in the first column, in section V.C.2., in line 2, "withpossible" is corrected to read "with possible"; in the second column, in section V.C.3., in line 2, "producthas" is corrected to read "product has"; and in the tenth line from the bottom, the date "January 11, 1993" is corrected to read "March 8, 1993".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7234 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 101

[Docket No. 91N–384H]

RIN 0905–AD08

Food Labeling: Nutrient Content Claims, Definition of Term: Healthy; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of January 6, 1993 (58 FR 2944). The document proposed to amend the food labeling regulations to establish a definition for the term "healthy" under the Federal Food, Drug, and Cosmetic Act. The document was published with inadvertent typographical and editorial errors. This document corrects those errors.

DATES: Written comments by March 8, 1993. The agency intends that any final rule that may issue based on this proposal become effective on the same date as the final regulations for the General Principles for Nutrient Content Claims, promulgated under the provisions of the 1990 amendments.

ADDRESSES: Written comments may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Center for Food Safety and Applied Nutrition (HFS–155), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5229.

In FR Doc. 92–31526, appearing on page 2944 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2944, in the third column, in line 18, "privisions" is corrected to read "provisions".

2. On page 2947, in the second column, in the second full paragraph, in the 4th line from the bottom, "approiate" is corrected to read "appropriate".

§ 101.65 [Corrected]

3. On page 2949, in the third column, in line 6, a comma is added after the word "Food"; in the same column, in amendatory instruction number "2." for § 101.65, the phrase "redesignating paragraph (d) as (d)(1) and" is added after the word "by".

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7243 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 101, 102, and 161

[Docket No. 90N–361M]

RIN 0905–AD08

Food Labeling; Declaration of Ingredients—Common or Usual Name Declaration for Protein Hydrolysates and Vegetable Broth in Canned Tuna; "and/or" Labeling for Soft Drinks; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of January 6, 1993 (58 FR 2950). The document proposed to amend the food labeling regulations to require the declaration of the term "(includes soybeans)" when soybeans are one of the extractives in vegetable broth in canned tuna; to amend the common or usual name regulations for protein hydrolysates to require the term "(contains glutamate)"; and to permit the use of "and/or" labeling for sweeteners in soft drinks. The document was published with some typographical and editorial errors. This document corrects those errors.

DATES: Written comments by March 8, 1993. The agency proposes that any

final rule that may issue based on this proposal become effective May 8, 1994.

ADDRESSES: Written comments may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Felicia B. Satchell, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5229.

In FR Doc. 92–31527, appearing on page 2950 in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On page 2951, in the first column, in the second full paragraph, beginning in the ninth line, the phrase "be identified parenthetically following the term vegetable broth because of possible allergic reactions in some individuals to soy proteins (Ref. 57)." is corrected to read "be identified in the ingredient statement (Ref. 57). Because of possible allergic reactions in some individuals to soy proteins,".

2. On page 2952, in the second column, in the first full paragraph, in the 16th line from the bottom, the words "'contains glutamate.'" are corrected to read "'(contains glutamate)'."; in the same paragraph, in the ninth line from the bottom, the phrase "greater than 0.62 (AN:TN ≤ 0.62)" is corrected to read "greater than or equal to 0.62 (AN:TN ≥ 0.62)"; and in the third column, in the first full paragraph, in the second line, the words "'contains glutamate'" is corrected to read "'(contains glutamate)'."

3. On page 2953, in the second column, in the third full paragraph, in the third line, the quotation marks after the word "was" are removed.

§ 102.22 [Corrected]

4. On page 2955, in § 102.22 *Protein hydrolysates*, in paragraph (b), in the tenth line, the phrase "is greater than 0.62)" is corrected to read "is greater than or equal to 0.62)."

Dated: March 24, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7236 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 135

[Docket No. 88P–0251]

Frozen Desserts: Removal of Standards of Identity for Ice Milk and Goat's Milk Ice Milk; Amendment of Standards of Identity for Ice Cream and Frozen Custard and Goat's Milk Ice Cream; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule on frozen desserts that appeared in the **Federal Register** of January 6, 1993 (58 FR 520). The document was published with some inadvertent typographical and editorial errors. This document corrects those errors.

DATES: Comments by March 8, 1993. FDA proposes that any final rule that may issue based on this proposal, unless stayed by the filing of proper objections, become effective 1 year following 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: Margaret E. Cole, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4745.

In FR Doc. 92–31529, appearing on page 520, in the **Federal Register** of Wednesday, January 6, 1993, the following corrections are made:

1. On Page 520, in the second column, under the caption "**FOR FURTHER INFORMATION CONTACT:**", in the second line, the mail code "(HFF–414)" is corrected to read "(HFS–158)".

2. On page 524, in the third column, in the first full paragraph, in the seventh line, the words "standards of identity §§ 135.110" are corrected to read "standards of identity in §§ 135.110".

3. On page 525, in the first column, last line, the words "manufacturing process They also vary in" are corrected to read " manufacturing process. They also vary in".

4. On page 526, in the third column, under the heading "VII. Effective Date," in the last line, the words "date publication" are corrected to read "date of publication".

Dated: March 25, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–7313 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 125

[Docket No. R–93–1657; FR–3480–A–01]

Advance Notice of Proposed Rulemaking for Fair Housing Initiatives Program

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

ACTION: Advance notice of proposed rulemaking for Fair Housing Initiatives Program.

SUMMARY: This notice requests comment on HUD's implementation of section 905 of the Housing and Community Development Act of 1992, which extensively amends the Fair Housing Initiatives Program. This program provides assistance to eligible public and private entities formulating or carrying out programs to prevent or eliminate discriminatory housing practices.

DATES: Comments on the development of these statutory amendments may be submitted on or before May 3, 1993. The Department anticipates publishing a proposed rule within six months of this notice.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rulemaking to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Jacquelyn J. Shelton, Director, Office of Fair Housing Assistance and Voluntary Programs, room 5234, 451 Seventh Street, SW., Washington, DC 20410–2000. Telephone number (202) 708–0800. A telecommunications device (TDD) for hearing and speech impaired persons is available at (202) 708–3214. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Title VIII of the Civil Rights Act of 1968, as

amended, 42 U.S.C. 3601–19 (The Fair Housing Act), charges the Secretary of Housing and Urban Development with responsibility to accept and investigate complaints alleging discrimination based on race, color, religion, sex, handicap, familial status or national origin in the sale, rental, or financing of most housing. In addition, the Fair Housing Act directs the Secretary to coordinate with State and local agencies administering fair housing laws and to cooperate with and render technical assistance to public or private entities carrying out programs to prevent or eliminate discriminatory housing practices.

Section 561 of the Housing and Community Development Act of 1987, 42 U.S.C. 3616 note, established the Fair Housing Initiatives Program (FHIP) to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing. This program assists projects and activities designed to enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. Implementing regulations are found at 24 CFR part 125.

Section 905 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102–550, approved October 28, 1992), substantially amends section 561 of the Housing and Community Development Act of 1987. Specific additions include provisions dealing with:

(A) Private Enforcement Initiatives, including permitting multiyear contracts for investigations of violations, and the use of funds for the costs and expenses of litigation;

(B) The funding of Fair Housing Organizations to support the development or implementation of initiatives which enforce the rights granted under title VIII, and to build and enhance the capacity of such organizations; and

(3) The establishment of a national education and outreach program, with a specific set-aside for activities related to the annual national fair housing month.

The Department invites comment on all aspects of the implementation of section 905.

Dated: March 19, 1993.

Leonora L. Guarraia,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 93–7485 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Permanent Regulatory Program; Revision of Administrative Rule

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 61 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations. The amendment concerns vegetation maintenance practices which Ohio would not consider augmentative and which would not restart the period of extended responsibility for revegetation success.

This document sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on May 3, 1993. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on April 26, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 16, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Richard J. Seibel, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232, Telephone: (614) 866–0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, building H–3, Columbus, Ohio 43224, Telephone: (614) 265–6675.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Seibel, Director, Columbus Field Office, (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated February 11, 1993 (Administrative Record No. OH–1831), Ohio submitted proposed Program Amendment Number 61. In this amendment, Ohio proposes to revise OAC section 1501:13–9–15(F) to expand and clarify the vegetative management practices which Ohio will not consider augmentative and which will not restart the revegetation responsibility period. The substantive changes proposed by Ohio in Program Amendment Number 61 are discussed briefly below:

(1) OAC 1501:13–9–15 Paragraph (F)(4)

Ohio is revising this paragraph to include practices which Ohio will not consider augmentative when the practice is an acceptable local practice for comparable unmined lands. The revised paragraph would provide that the following practices are not augmentative:

(1) Seeding, applying soil amendments, and irrigating to maintain productivity, as recommended by or as specified in technical guidelines published by the Ohio State University Cooperative Extension Service as normal practices on cropland, pasture land, or grazing land;

(2) Replanting of trees as a reinforcement measure on areas for which the approved planting plan requires woody vegetation; and

(3) Reseeding of legumes within the first three years after the initial planting where the legumes are expected to be

present five years after the initial planting.

Ohio is also deleting the term "agronomic" when referring to these practices.

(2) OAC 1501:13–9–15 Paragraph (F)(5)

Ohio is adding this new paragraph to provide that Ohio will not consider to be an augmentative practice the reseeding of areas that have been disturbed after the initial seeding because of unavoidable repairs due to land movement or third party interference. For this determination, the existence of established permanent vegetation prior to the disturbance must be documented. Also, the total acreage of the area reseeded during any one year may not exceed ten percent of the total area permitted, with no single area exceeding three acres.

(3) OAC 1501:13–9–15 Paragraph (F)(6)

Ohio is adding this new paragraph to provide that the reseeding of areas disturbed in the course of gaining access to and removing sediment control structures will not restart the period of extended responsibility for revegetation success.

(4) OAC 1501:13–9–15 Paragraph (F)(7)

Ohio is adding this new paragraph to establish criteria for phase III bond release of areas reseeded under paragraphs (F)(5) and (F)(6). Such areas must have vegetation in place for a minimum of 90 days prior to the phase III bond release request. However, if the area is planted after the first day of August of a given year, the area will not be eligible for a phase III bond release until the first day of May of the following year.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m. on April 16, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order No. 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs, actions, and program amendments. Therefore, preparation of a Regulatory Impact Analysis is not necessary and OMB regulatory review is not required.

Executive Order No. 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that 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.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 22, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–7477 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–05–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1191

[Docket 93–1]

Americans With Disabilities Act Accessibility Guidelines for Building and Facilities; Children's Environments

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: On February 3, 1993, the Architectural and Transportation Barriers Compliance Board (Access Board) published an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** (58 FR 6924) requesting comments from the public on various issues relating to the development of accessibility guidelines for newly constructed and altered children's environments under the Americans with Disabilities Act of 1990. The ANPRM noted that the Center for Accessible Housing at North Carolina State University's School of Design had prepared a report titled "Accessibility Standards for Children's Environments" and that the report was available from the Access Board. Due to an unexpected delay in printing and distributing the report, the Access Board is extending the comment period to accommodate persons who wish to review the report prior to submitting their comments.

DATES: Comments should be received by June 1, 1993. Comments received after this date will be considered to the extent practicable.

ADDRESSES: Comments should be sent to the Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004–1111. Comments will be available for inspection at the above address from 9 a.m. to 5:30 p.m. on regular business days.

FOR FURTHER INFORMATION CONTACT: John Murdoch, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004–1111. Telephone number (202) 272–5434 (Voice); (202) 272–5449 (TDD). These are not toll-free numbers. This document is available in accessible formats (cassette tape, braille, large print, or computer disc) upon request.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 93–7587 Filed 3–31–93; 8:45 am]

BILLING CODE 8150–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AMS–FRL–4609–5]

Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline and Conventional Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and notice of correction for proposed rule.

SUMMARY: This action announces the date, time and place for a public hearing on the Notice of Proposed Rulemaking (NPRM) entitled "Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline" published on February 26, 1993 (58 FR 11722).

In addition, this action announces a correction to the NPRM. An incorrect version of section VI of the NPRM, originally entitled "Phase II Reformulated Gasoline Performance Standards", was published in error. The correct section VI of the NPRM is now entitled "Phase II (Post-1999) Reformulated Gasoline Standards" and is published here for public comment. The public hearing announced herein will also address the contents of this corrected section VI.

DATES: EPA will conduct a public hearing for both the February 26, 1993 NPRM and today's notice of correction on April 14–15, 1993. The public hearing will begin at 10 a.m. on April 14th and continue until 6 pm and will resume at 8:30 am on April 15th and continue until all testimony has been heard.

The comment period on the February 26, 1993 NPRM, as well as on this notice of correction, will extend through 30 days from the completion of the public hearing. The comment period for the NPRM published on July 9, 1991 (56 FR 31176) and the NPRM published on April 16, 1992 (57 FR 13416) is also extended until such date.

ADDRESSES: The public hearing will be held at the Holiday Inn Dulles International Airport, 1000 Sully Rd., Sterling, VA, 20166, Telephone number: (703) 471–7411. Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A–92–12, at: Air Docket Section (LE–131), U.S. Environmental Protection Agency, Attention: Docket No. A–92–12, First Floor, Waterside Mall, rm. M–1500, 401 M Street, SW., Washington, DC 20460. Materials relevant to this notice, including the regulatory language, are contained in that Public Docket. The docket may be inspected from 8:00 a.m. until 12 noon and from 1:30 p.m. until 3 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Joann Jackson Stephens, Fuel Studies and Standards Branch, Regulation Development and Support Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone: (313) 668–4276.

SUPPLEMENTARY INFORMATION: For further information on this matter, please refer to EPA's February 26, 1993 **Federal Register** Notice of Proposed Rulemaking at 58 FR 11722.

NPRM Section VI: The following discussion replaces section VI of the February 26, 1993 NPRM published at 58 FR 11722.

V Phase II (Post-1999) Reformulated Gasoline Standards

A. Statutory Requirements

Section 211(k)(1) of the Act specifies that the Administrator shall consider, in addition to cost, non-air quality and other air quality-related health and environmental impacts, and energy requirements in establishing requirements for the greatest achievable reductions in VOC and toxic emissions. Summaries of the cost, health, environmental, and energy impacts of achieving the proposed emissions reductions are presented below and are more thoroughly discussed in the Draft RIA associated with this proposal.

Section 211(k)(3)(B) of the Clean Air Act requires, in the year 2000 and beyond, that aggregate emissions of ozone forming volatile organic compounds (VOCs) and toxic air pollutants from baseline vehicles using reformulated gasoline be at least 25 percent below emissions from baseline vehicles using baseline gasoline during the high ozone season. The Act also specifies that the 25 percent reduction level may be adjusted to provide for a greater or lesser reduction based on technological feasibility, including consideration of the cost of achieving the reductions. However, in no case can the required reductions be less than 20 percent. The required emission reductions are called, hereafter, the Phase II standards.

The Act requires that the minimum standard for emission reductions be set by the more stringent of either the formula fuel specified in section 211(k)(3)(A) or the performance requirement specified in section 211(k)(3)(B). For Phase I reformulated gasoline, the performance requirement of 15 percent is more stringent than the formula fuel emission reductions for both VOC and toxics. Since the performance requirement for Phase II reformulated gasoline is 25 percent, it is also more stringent than the formula fuel. As previously discussed, this sets the minimum standards allowed under section 211(k).

The Phase II requirements would apply to gasoline which is sold in those ozone nonattainment areas required to receive reformulated gasoline and in those areas which have already opted into the program or which opt in at a later date. Requirements related to the enforcement of the Phase II standards (and all reformulated gasoline certification) would not change relative to that with the Phase I standards for 1997 and beyond.

In discussions relating to potential opt-in, a question has been raised concerning a state opting into Phase I of the reformulated gasoline program, but not Phase II, such that a state would continue to have Phase I reformulated gasoline sold in its relevant ozone nonattainment areas under a Federal program beyond 1999. EPA has not, at this time, sufficiently analyzed the details of such an option to evaluate how such fuel would comply with the requirements of section 211(k), particularly those pertaining to the Phase II standards in section 211(k)(3)(B). EPA requests comments on ways such an approach could be designed to fully comply with these requirements, how it would affect fuel distribution and production costs and the value of this added flexibility to states trying to develop means to comply with the ozone NAAQS.

In addition to the VOC and toxic emissions reductions, section 211(k)(2)(A) of the Act specifies that there be no net increase in NO_X emissions (over baseline NO_X levels) resulting from the use of reformulated gasoline. As will be shown below, NO_X emission increases due to the use of reformulated gasoline are unlikely, and are definitely avoidable. Recently, both a National Research Council study [1] and a study prepared for EPA [2] have indicated that additional NO_X reductions could significantly reduce ozone formation in some areas. Based on these reports, other EPA work in ambient ozone analysis and the broad authority granted EPA under section 211(c), EPA is considering adoption of a NO_X emission reduction standard between 0 and approximately 15 percent in connection with the Phase II standards to further reduce ozone formation during the high ozone season. Section 211(c) of the Act gives the Agency broad regulatory authority to regulate motor vehicle fuel quality if any emission product of such fuel causes or contributes to air pollution which may reasonably be anticipated to endanger public health or welfare. EPA must evaluate the effects of the emissions on public health, scientific data, and other factors including technological feasibility when considering using its 211(c) authority.

The Agency believes that NO_X emission control via reformulated gasoline may be a technologically feasible and cost-effective option. The Agency also realizes that imposing a NO_X reduction standard on reformulated gasoline may reduce the flexibility of refiners to modify their operations to produce complying gasoline. This reduced flexibility would likely increase production costs. EPA requests comments on the need for NO_X emissions control in reformulated gasoline areas and on the use of its authority under section 211(c) to add NO_X control to the reformulated gasoline program.

B. Evaluation of Factors Affecting Selection of Proposed Standards

In setting the Phase II reformulated gasoline standards, EPA must consider the cost, health, environmental and energy impacts, and the technological feasibility, of modifying fuels to meet certain emission reduction requirements. EPA's analyses of each of these factors is discussed briefly below, and in detail in the DRIA. Comments on any of the analyses are welcome.

1. Cost Impacts

In evaluating the cost impact of meeting a Phase II emission reduction requirement, EPA considered the cost effectiveness of modifying a fuel to achieve a certain emission reduction. The methodology for determining the cost effectiveness of fuel component changes is described in the Draft Regulatory Impact Analysis (RIA). In this analysis, the incremental cost effectiveness of an emission control obtained through fuel modifications is the ratio of the cost of a fuel component change to the additional reduction in emissions that occurs because of that fuel change. Individual fuel component control costs include operating costs and annualized capital costs.

Individual fuel component control costs and the effects of changes in one fuel component on the other fuel components are integral parts in the determination of the cost effectiveness of an emission control strategy. In the analysis presented in the DRIA, these two integral parts were estimated from the results of refinery modeling performed by Turner, Mason and Company (for the Auto-Oil Air Quality Improvement Research Program) and Bonner & Moore Management Science (for EPA) and on survey results presented by the California Air Resources Board (CARB). Comments on the use of these studies for estimating individual fuel component control costs and coincident fuel component effects are requested. Additional fuel component control cost data is also welcome.

EPA believes it is reasonable to focus this analysis for the proposed Phase II standards on cost effectiveness, which EPA defines here as the ratio of the incremental cost of a control measure to the incremental benefit, e.g., tons of VOC or NO_X emissions reduced or number of cancer incidences avoided. EPA's cost effectiveness analysis measured the incremental cost and incremental benefit from the Phase I emissions performance standards. The use of cost effectiveness allows for the relative ranking of various control strategies so that a specified environmental goal can be achieved at minimum cost. EPA also evaluated the overall cost of the proposed standards on a per-gallon basis to ensure they would be reasonable. EPA does not expect non-production related costs, such as distribution costs, to increase relative to Phase I reformulated gasoline.

All emission reductions for Class C areas are calculated relative to the statutory baseline per the requirements of the Act and all emission reductions for Class B areas are calculated relative to a fuel with an RVP of 7.8 psi and statutory baseline levels for all other parameters. As for Phase I reformulated gasoline, all Phase II reformulated gasoline must have at least 2.0 weight percent oxygen and maximum 1.0 volume percent benzene, with

[1] "Rethinking the Ozone Problem in Urban and Regional Air Pollution," National Research Council, December 18, 1991.

[2] "Modeling the Effects of Reformulated Gasolines on Ozone and Toxics Concentrations in the Baltimore and Houston Areas," prepared for EPA, OPPE, APB by Systems Applications International, September 30, 1992.

provisions for averaging. The costs of these two requirements are discussed in the Phase I reformulated gasoline DRIA.[3] The DRIA for Phase II reformulated gasoline contains updated costs for each of these two mandated controls. The cost effectiveness of incremental changes in fuel quality is determined relative to the statutory baseline and the mandated oxygen and benzene requirements. EPA requests comments on the methodology used in determining the cost effectiveness of fuel component changes.

2. Health and Environmental Effects

The health and environmental benefits of the reformulated gasoline program are measured in terms of cancer incidences avoided and tons of VOC and NO_X reduced. Based on the standards proposed today, and supported by the analysis in the DRIA, approximately 2–3 cancer incidences will be avoided annually nationwide, 81,000 to 228,000 annual tons of VOC will be reduced in Class B, and 142,000 to 187,000 annual tons of VOC will be reduced in C areas. The actual number of tons reduced depends on the performance standard (from the range of standards proposed today) ultimately promulgated. If NO_X standards are imposed, 27,000 to 48,000 annual tons of NO_X will be reduced in Class B areas and 40,000 to 71,000 annual tons of NO_X will be reduced in C areas. Additional VOC reductions could also occur with imposition of a NO_X standard.

3. Energy Impacts

Approximately a 3–5 percent increase in energy required to produce reformulated gasoline (over conventional gasoline) is expected, primarily as process heat input. The total increase depends on many factors, including how the energy balance is drawn, refinery configuration, the sulfur level of the crude charge, the oxygenate source, and the reformulation approach chosen by a refiner.

Directional changes in energy usage are predictable. For instance, refinery crude charge will decrease due to extensive use of oxygenates. Oxygenate production is energy intensive, not only in producing the oxygenates, but in the case of MTBE, producing the methanol and isobutylene feedstocks. Desulfurization processes are also energy intensive, particularly hydrogen production. Benzene removal via fractionation and benzene and olefin reduction via hydrogenation require additional energy. Aromatics reductions will reduce energy usage, because the reformer can be run at a lower severity, reducing fuel consumption. T90 reductions will require further gasoline processing of heavy ends to maintain gasoline yield.

4. Technological Feasibility

The technological feasibility of producing fuels to meet the proposed standards must be considered in establishing the standards. EPA believes that the refinery modeling results, from which the fuel component control costs were estimated, provide adequate support for believing that the proposed fuel component changes are technologically feasible. The refinery models utilized only well-developed, demonstrated, commercially available technologies, and hence will only produce fuels within the limits of these technologies. In all likelihood, new technologies will be developed between now and the year 2000 which will reduce the costs for certain types of fuel component changes. Thus, EPA believes that the determination of fuel component control costs using the results of such models is reasonable and that the feasibility of producing such emission-reducing fuels is justifiable.

Because the standards proposed today will not take effect until the year 2000, EPA does not believe that lead time issues should present problems to reformulated gasoline producers in achieving the proposed reductions, as all the processes needed to produce complying fuels are already commercially available.

EPA has evaluated both driveability and safety concerns associated with the use of low RVP fuels and found no significant negative impacts. These issues are addressed in the Draft RIA. Comments are requested on potential technological barriers to achieving the proposed VOC, NO_X and toxics emissions reductions.

C. Proposed Standards

1. VOC and NO_X Control

a. *Control Costs.* The total cost (or manufacturing cost) of producing a reformulated gasoline is the sum of the capital recovery cost and the operating cost. In determining the cost of fuel changes for VOC and NO_X control, EPA assumed that, because VOC control is mandated only during the high ozone season, the length of which was described in the NPRM and SNPRM, operating costs of changes made to produce reformulated gasoline would only occur in the summer and not in the winter, in effect, idling any process units built especially for the purpose of meeting the reformulated gasoline program emission requirements. However, capital costs would have to be fully recovered regardless of whether the equipment was used seasonally or not. EPA adjusted the capital costs accordingly, and used the sum of the adjusted capital cost and the original operating cost as the individual fuel component control cost in analyzing the cost-effectiveness of VOC and NO_X controls. As will be discussed under the section on toxics control, in its estimate of the cost effectiveness of toxics control, EPA did not adjust the capital cost portion of the individual fuel component control costs as described above because toxics reductions are required year-round. Complete information on the development of the individual component costs for both Class B and C areas is provided in the Draft RIA.

Table VI–1 gives the individual fuel component control costs and the associated incremental percent reduction in VOC emissions for Class C areas. The incremental costs shown in the table are the costs of making a particular fuel change after making the fuel change immediately above. The previous fuel change may or may not affect the value of the fuel component directly below. For example, the sulfur cost of 0.11–0.18 cents per gallon is the cost of reducing sulfur to 160 ppm from the sulfur level that resulted when olefins were reduced to 5.0 volume percent first. In this particular case, olefin reductions also reduced sulfur levels. The effect of each fuel component modification on other fuel components are discussed in the DRIA. Likewise, the incremental percent reductions shown in the table are the emission reductions due to making a particular fuel change after making the fuel change immediately above. The sum of the incremental reductions is the total reduction when the fuel component changes are made in the order shown. EPA must stress that the order shown is only an example; refiners may achieve the required standards by any combination of fuel component controls resulting in the required emissions performance. Similar information to that shown in Table VI–1 is available in the DRIA for Class B areas and for Class B and C areas for NO_X and toxics emissions. Comments on the incremental costs and emission reductions presented in Table VI–1, or in the DRIA, and on their

[3] "Draft Regulatory Impact Analysis, Reformulated Gasoline and Anti-Dumping Regulations," EPA, OAR, OMS, ECTD, SDSB, July 1991.

derivation are requested, as well as additional fuel component control cost data and supporting description.

TABLE VI.—CLASS C COMPONENT CONTROL COSTS AND VOC EMISSION REDUCTIONS

Component	Control level	Incremental cost (c/gal)	Incremental VOC reduction (percent)
Oxygen	2.0 wt%	[1] 3.39–5.11	10.5
Benzene	1.0 vol%	0.69	0.0
RVP	8.1 psi	0.57	8.5
Olefins	5.0 vol%	0.27	1.9
Sulfur	160 ppm	0.11–0.18	1.0
RVP	7.5 psi	1.49	7.8
Oxygen	2.7 wt%	[1] 1.18–1.78	3.5
Sulfur	50 ppm	2.60–3.32	2.9
Aromatics	20 vol%	0.61–0.97	0.7

[1] Based on MTBE. Includes increased costs due to fuel economy losses.

b. *Cost Effectiveness.* In determining the emission reductions and the associated cost effectiveness of VOC and NO_X standards, EPA employed a convention typically used in estimating the benefit of both mobile and stationary source VOC controls. This convention requires the determination of cost effectiveness on the basis of annual tons of VOC reduced. Thus, even though VOC emission reductions required under section 211(k) are only during the high ozone season, the convention is to calculate the cost of the fuel component control per ton of VOC removed as if the high ozone season emission reductions were obtained over the whole year.

EPA evaluated particular combinations[4] of fuel component controls which reduce VOC (and VOC plus NO_X) emissions at costs of less than $5,000 and less than $10,000 per ton, respectively. EPA believes that these values represent costs in the range of those which will be incurred by many ozone nonattainment areas in achieving attainment. These cost-effectiveness values are higher than any cost-effectiveness values for any existing federal nationwide motor vehicle or motor vehicle fuel controls. As the cost-effectiveness of an emission reduction strategy increases, substantial emission control may be achieved in other ways (e.g., through other regulatory programs) at the same or lower cost-effectiveness. Since many areas are currently formulating their State Implementation Plans (SIP), EPA requests comments on the cost-effectiveness of strategies being considered by states to reduce VOC and/or NO_X emissions, including both mobile and stationary source controls. EPA also requests comments as to the appropriateness of the cost per ton levels of $5,000 and $10,000.

Normally, use of these cost per ton values would determine the depth of RVP controls projected for Class B and C fuels. However, limited RVP control cost data below 7.2 psi prevented the determination of RVP levels which would exceed the cost-effectiveness levels of $5,000 and $10,000 per ton. Instead, EPA based the proposed Phase II standards for Class B areas on an RVP range of 6.5–7.2 psi. For Class C areas, the proposed standards are based on RVPs of 6.5–7.5 psi which result in the same nonexhaust VOC emissions in Class C areas as the range of Class B RVPs do in Class B areas. Comments are requested on the level of RVP control in each class which is reasonable for use in setting the Phase II standards.

Because fuel component control costs increase with increasing participation in the reformulated gasoline program (this effect is discussed in the DRIA), EPA based its analysis on a mid-level of participation which consists of the "nine cities" as well as those areas which have opted into the program as of June 26, 1992. EPA requests comments on whether its standard setting analysis should focus on just the "nine cities", given coverage of these areas is mandatory, not optional, and they represent the nine largest metropolitan areas with the most severe summertime ozone problems, or if it should focus on the cost-effectiveness of a reformulated gasoline program with a certain level of opt-in, to reflect the current extension of the program to several opt-in areas.

c. *VOC and NO_X Standards.* Based on the complex model, the refinery modeling studies and associated analyses described above, EPA has found that the VOC performance standards listed in Row A of Table VI–2 could be met under the various RVP and cost per ton levels evaluated for the Phase II standards.

TABLE VI–2.—PROPOSED STANDARDS FOR PHASE II REFORMULATED GASOLINE

[Percent reduction in emissions]

	Cost effectiveness <$5,000 per ton		Cost effectiveness <$10,000 per ton	
	Class B[1]	Class C	Class B[1]	Class C
A. VOC Standard	20.7–29.6	26.7–32.1	23.2–31.7	29.2–34.7
B. NO_X Standard	8.5–8.5	8.7–8.8	14.6–14.8	14.4–15.4

[4] As stated previously, the combination of fuel components on which the proposed standards are based are just one of many fuel formulations which could be used to achieve the standards. The proposed standards are performance standards which may be met by the refiner's choice of fuel component controls.

TABLE VI–2.—PROPOSED STANDARDS FOR PHASE II REFORMULATED GASOLINE—Continued

[Percent reduction in emissions]

	Cost effectiveness <$5,000 per ton		Cost effectiveness <$10,000 per ton	
	Class B[1]	Class C	Class B[1]	Class C
C. VOC Standard w/NO_X Std	20.7–29.6	26.7–32.1	25.3–33.8	31.3–37.3
D. Toxics Standard From VOC Std	26.0–29.0	29.4–34.3	29.2–31.4	31.8–36.7

[1] Class B standards relative to a base fuel with RVP at 7.8 psi and Clean Air Act base values for all other parameters. Analysis of Class B standards relative to Clean Air Act base fuel (with RVP of 8.7 psi) can be found in the DRIA.

EPA is also proposing a NO_X standard in the range shown in Row B in Table VI–2. The lower end of this range is a year-round zero NO_X increase, as required by section 211(k)(2)(A) of the Act. In addition, under its authority provided by section 211(c)(1)(A) of the Act, the Agency is proposing a NO_X reduction standard to further reduce ozone formation. The range under consideration for the stringency of the NO_X standards (i.e., NO_X emission reduction requirements) is zero up to those shown in Row B of Table VI–2. As for VOC, the NO_X emission controls would apply only during the high ozone season.

EPA estimated that the NO_X reductions shown in Table VI–2 could be achieved at costs ranging from less than $1000 per ton of NO_X to as high as $5,500 per ton of VOC plus NO_X. Comments are requested on the cost-effectiveness levels which should be used in determining an appropriate level of NO_X control, and whether cost-effectiveness should be evaluated on a NO_X basis or on a VOC plus NO_X basis, and, if the latter, on the relative values of VOC and NO_X.

The additional fuel component changes which yielded the proposed NO_X standards also further decreased VOC emissions. While these fuel component changes cost more than the cost-effective targets described above when based solely on VOC control, they cost less than $5,000 and $10,000 per ton, respectively, when based on total tons of VOC plus NO_X. The VOC reductions achievable under these cost effectiveness levels, on a VOC plus NO_X basis when both VOC and NO_X are controlled, are shown in Row C of Table VI–2. Implementing the more stringent, Row C VOC standards would increase the likelihood that the greatest VOC emission reductions achievable were being attained. However, EPA is not certain that it has fully considered all of the costs of refiners attaining both the VOC and NO_X requirement simultaneously and the Row C VOC emission reductions may be achieved in-use even without the more stringent standards. Comments are requested as to whether EPA should promulgate the more stringent VOC standards of Row C if it also implements the NO_X standards of Row B or whether the slightly more relaxed VOC standards shown in Row A should be required.

Regardless of whether the VOC standards are based on those of Rows A or C, the addition of a NO_X performance standard would further restrict refiners' flexibility in producing qualifying fuels. EPA therefore requests comments on an option whereby the VOC performance standards shown in Row A of Table VI–2 should be relaxed even further if a NO_X reduction standard was promulgated, subject to section 211(k) minimum requirements. Such a decision might be appropriate, for example, if NO_X emissions reductions were more important for ozone control than VOC reductions and, therefore, the acceptable cost effectiveness of VOC reductions should be lower than the $5,000 and $10,000 per ton levels considered in Table VI–2. Comments are also requested on granting refiners the option to trade off VOC and NO_X control within fixed limits on either standard and on whether the trade-off should be one-for-one (in percentage reduction terms) or on some other basis.

If EPA set a NO_X standard under section 211(c), states could still petition EPA to revise it for their state's nonattainment areas based on local conditions. This would be similar to the approach taken in the Phase I and II RVP rulemakings.[5] This decision could be made by each state based on detailed air quality analyses of their individual ozone nonattainment problems. A potential problem with this option is that it could require the production of another type of gasoline in one or more grades. Distribution problems and complications already expected with implementation of the reformulated gasoline requirements could increase. Comments are requested regarding benefits or drawbacks to state-specific NO_X performance standards.

2. Toxics Control

a. *Control costs.* As discussed above, in determining the cost of fuel changes for VOC and NO_X control, EPA adjusted the capital cost portion of the individual fuel component control costs to account for the fact that VOC and NO_X control are necessary only during the high ozone season. Toxics emissions, however, must be controlled year-round and thus no adjustment is needed for capital costs already amortized on an annual basis. The individual fuel component costs shown in Table VI–1 for VOC and NO_X control are thus higher than those used in the determination of the cost effectiveness of toxics emissions control.

b. *Toxics standard and cost-effectiveness.* Fuel controls for the sole purpose of reducing toxic emissions do not appear to be cost-effective. Based on the fuel component control costs used in this analysis, EPA estimates that fuel modifications for the control of toxics emissions would cost over $100 million per cancer incidence reduced.

At the same time, the control of fuel components to reduce VOC emissions also results in average reductions of toxics emissions of 17–33 percent, as shown in row D of Table VI–2. However, EPA believes that Congress intended this program to provide fuel producers flexibility to produce a variety of complying fuel reformulations. While these toxics reductions would presumably be free since they would result from VOC and NO_X controls, in this case, they would also in most cases automatically occur with or without a regulatory standard. If it were more economical for a particular refiner to use fuel modifications to meet the VOC and NO_X standards which did not produce this degree of toxics reduction, then that refiner would be faced with controlling toxics explicitly, which appears to not be cost-effective. Thus, while a toxics performance standard greater than the minimum 25 percent level specified in section

[5] 54 FR 11868 (March 22, 1989); 55 FR 23659 (June 11, 1990).

211(k)(3)(B)(ii) of the CAA is feasible, it would not be cost effective and EPA proposes setting the standard at 25 percent. Section 211(k)(3)(B)(ii) of the CAA also permits EPA to reduce the toxics performance standard below 25 percent to as low as 20 percent based on technological feasibility, considering the cost of achieving such reductions in toxic emissions. While EPA does not have information on how refiners will choose to reformulate gasoline, nor on those reformulations which will not automatically achieve the required toxics reductions and thus will require the refiner to do additional reformulation explicitly for toxics control, and therefore does not have specific information on the actual costs involved, the same arguments expressed above for not requiring greater than a 25 percent reduction are equally applicable below 25 percent. Thus, EPA also proposes as a second option that the toxics performance standard be set at the 20 percent minimum level specified by section 211(k)(3)(B)(ii) of the CAA. Comments are requested on this standard and the decision to not require a greater toxics performance standard of the magnitude shown in Row D of Table VI–2.

Dated: March 26, 1993.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–7634 Filed 3–31–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 80, and 97

[GEN Docket No. 93–40: FCC 93–119]

Allocation of the 219–220 MHz Band for Use by the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to allocate the 219–220 MHz band to the amateur radio service on a secondary basis for amateur auxiliary station (point-to-point) packet backbone networks and other amateur point-to-point fixed communications. The proposed allocation would alleviate frequency congestion that amateurs are experiencing in certain areas of the country in the 222–225 MHz band and would facilitate establishment of regional and nationwide backbone networks for amateur packet communications. In addition, the Commission solicits comment on various technical and regulatory issues related to this secondary allocation. The intent of this action is to provide spectrum for amateurs to establish a regional and/or nationwide communications backbone to connect local packet nodes and carry a variety of information including messages, computer programs, graphic images and data bases. This network could also be used for emergency preparedness and national defense communications.

DATES: Comments are due on June 15, 1993. Reply comments are due on July 15, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Thomas P. Derenge, (202) 653–7605, or David Siddall, (202) 653–8108, Office of Engineering and Technology, or John Johnston, (202) 632–4964, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making (NPRM) adopted February 26, 1993, and released March 22, 1993. This action will not add to or decrease the public reporting burden. The full text of the Commission document is available for inspection and copying during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC and also may be purchased from the Commission's duplication contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Summary of Proposed Rule

1. The Notice of Proposed Rule Making responds to a Petition for Rule Making filed by the American Radio Relay League (ARRL) requesting a secondary allocation in the 216–220 MHz band for amateur wideband packet networks and other point-to-point fixed communications. The Commission proposed to allocate the 219–220 MHz portion of that band to the amateur service on a secondary basis for point-to-point fixed operations. The Commission expressed concern that amateur use of the 216–219 MHz portion of that band could result in harmful interference to the primary services on those frequencies, Automated Maritime Telecommunications Systems (AMTS) coast stations (217–218 MHz), and Interactive Video and Data Services (218–219 MHz), and to reception of television channel 13 broadcasts in the adjacent 210–216 MHz band. The Commission believes that amateurs could use the 219–220 MHz segment on a secondary basis without causing interference to other services if their operations are properly engineered and appropriate regulatory safeguards are applied. This spectrum is currently allocated on a primary basis to the maritime mobile service for AMTS ship station channels.

2. The Commission proposed regulations to ensure that the proposed secondary amateur service not interfere with primary operations and other secondary operations in and adjacent to this band. Power limits were proposed as well as notification requirements for amateur stations within 240 km (150 miles) of AMTS coast stations. Comment was sought on these and other proposed requirements. Comment was also sought on whether this service should be limited to digital data communications, any digital communications, or whether any modulation or access method should be permitted as long as it is a point-to-point fixed communication.

3. *Initial Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

A. Reason for Action

This action is being taken to provide a secondary allocation to the amateur service for amateur auxiliary station (point-to-point) packet backbone networks and other amateur point-to-point fixed communications. The Commission believes this service is in the public interest and that the additional spectrum is needed to accommodate additional amateur packet radio links in certain areas of the country. The proposed rules will protect from interference all primary and existing secondary users in and adjacent to the band that is proposed for allocation.

B. Objective

The objective of this proposal is to provide additional spectrum in which amateurs can establish wideband backbones to connect individual packet systems or use for other point-to-point fixed communications. This allocation will benefit the amateur services generally, including the emergency preparedness component of those services, as evidenced by a Memorandum of Understanding between ARRL and the National Communications System. Provision of this additional spectrum also will foster amateur expirementation with higher data rates and spectrum efficiency.

C. Legal Basis

The proposed action is authorized by sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 303(c), 303(f), 303(g), and 303(r). These provisions authorize the Commission to make such rules and regulations as may be necessary to encourage more effective use of radio as is in the public interest.

D. Description, Potential Impact, and Number of Small Entities Affected

This proposal may provide new marketing opportunities for amateur radio equipment manufacturers, some of which may be small businesses. The Commission invites specific comments on this matter by interested parties.

E. Reporting, Record Keeping and Other Compliance Requirements

None.

F. Federal Rules Which Overlap, Duplicate or Conflict With This Rule

None.

G. Significant Alternatives

None.

Procedural Information

4. This action is taken pursuant to sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(c), 303(f), 303(g), and 303(r).

5. The rule making proposals in this NPRM constitute a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).303(r).

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before June 15, 1993, and reply comments on or before July 15, 1993. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments must be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

List of Subjects

47 CFR Part 2

Frequency allocations and radio treaty matters; general rules and regulations, Radio.

47 CFR Part 80

Radio Stations in the Maritime Services.

47 CFR Part 97

Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–7466 Filed 3–31–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 930236–3036]

Designated Critical Habitat; Steller Sea Lion

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule and request for comments.

SUMMARY: NMFS proposes to designate critical habitat for the Steller (northern) sea lion (*Eumetopias jubatus*) pursuant to the Endangered Species Act (ESA). The proposed critical habitat for designation includes (1) all Steller sea lion rookeries and major haulouts (i.e. >200 Steller sea lions) located within state and Federally managed waters off Alaska, including a zone that extends 3,000 feet (0.9 km) landward and vertical of each rookery and major haulout boundary, and that extends either 3,000 feet (0.9 km) seaward from rookeries and major haulouts in Alaska located east of 144° W. longitude, or 20 – nm seaward from rookeries and major haulout sites west of 144° W. longitude; (2) all Steller sea lion rookeries in state and Federally managed waters off Washington, Oregon and California, including the zone that extends 3,000 feet (0.9 km) vertical and seaward from each rookery; and (3) three aquatic foraging habitats within the core of the Steller sea lion's geographic range, one aquatic zone located exclusively in the Gulf of Alaska (GOA), and two aquatic zones in the Bering Sea/Aleutian Islands area (BSAI). The physical and biological features of the habitat that are essential to the conservation of the species and that may require special management consideration or protection are discussed in the preamble to this proposed rule. The primary benefit of the designation of critical habitat is that it provides notification to Federal agencies that a listed species is dependent on these areas for its continued existence and that any Federal action that may affect these areas is subject to the consultation requirements of section 7 of the ESA. The direct economic and other impacts resulting from this proposed critical habitat designation are expected to be minimal.

DATES: Comments on the proposed rule must be received on or before June 1, 1993. Requests for a public hearing must be received on or before May 17, 1993.

ADDRESSES: Comments and requests for a public hearing should be addressed to the Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Steven Zimmerman, National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, AK 99802, (907) 586–7235, or Mr. Michael Payne, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910, (301) 713–2322.

SUPPLEMENTARY INFORMATION:

Background

Ecological Consideration

Steller sea lions are the largest member of the otariid pinniped family, and rely upon both terrestrial and marine habitats for successful completion of their life cycle. Steller sea lions are polygynous and gregarious; they use traditional terrestrial sites for breeding, pupping, and resting. Females reach sexual maturity between 3 and 6 years of age and may produce young into their early twenties (Calkins and Pitcher 1982). Adult females are monestrous, and most breed annually. Males reach sexual maturity between 3 and 7 years of age; however, Thorsteinson and Lensink (1962) found that 90 percent of males holding territories on rookeries in the western GOA were between 9 and 13 years of age.

Steller sea lions range around the North Pacific Ocean rim from the Kuril Islands and Okhotsk Sea, through the Aleutian Islands and Bering Sea, and south along the North American coast to

California (Loughlin, Rugh and Fiscus 1984). Their centers of abundance and distribution are the GOA and Aleutian Islands (Kenyon and Rice 1961, Calkins and Pitcher 1982). A 1989 range-wide survey indicates that during the summer about 70 percent of the Steller sea lion population resides in Alaska, 15 percent in the Russian Federation (formerly the Soviet Union), 9 percent in British Columbia, 3 percent in Oregon, and 3 percent in California (Loughlin, Perlov and Vladimirov 1992). Although sea lions exhibit fidelity to breeding location, there is insufficient evidence to identify any discrete population subunits within the geographic range.

Counts of Steller sea lions on rookeries and major haulouts during the breeding season indicate that extensive declines have occurred within the Alaskan and the Russian Federation portions of their range over the last 30 years. A series of counts in the GOA and BSAI between the mid-1970s and 1991 indicate a 70-percent decline in the Alaskan portion of the population over this time period (Merrick, Calkins and McAllister 1992). Counts in Southeast Alaska, British Columbia, and Oregon have remained stable over the same period; Steller sea lion numbers in California have declined. Loughlin, Perlov and Vladimirov (1992) estimated the 1989 Steller sea lion world population to be about 116,000 animals, approximately 39–48 percent of the 240,000–300,000 animals estimated 30 years ago by Kenyon and Rice (1961).

The causes of the Steller sea lion population decline are unknown. Potential causative factors include disease, incidental takes in fishing gear, direct mortality (shooting), and natural or human induced (through fishing) changes in the abundance and species composition of the sea lion prey (Merrick, Loughlin and Calkins 1987, Loughlin and Merrick 1989).

Previous Federal Actions

Because of the drastic population decline, NMFS issued an emergency interim rule on April 5, 1990, that listed the Steller sea lion as a threatened species throughout its range, established protective regulations, and requested comments (55 FR 12645). Since the emergency interim rule was only effective for 240 days, an expeditious permanent rulemaking process was undertaken to avoid any lapse in ESA status. Thus, NMFS decided to postpone critical habitat designation and consideration of additional conservation measures, and issued proposed and final rules to list permanently the species that were essentially identical to the emergency rule (55 FR 29793, July 20, 1990 and 55 FR 49204, Nov. 26, 1990).

The final rule listing the Steller sea lion as threatened became effective on December 4, 1990, and incorporated the protective regulations established in the emergency interim rule. Specifically, coincident with the listing, NMFS: (1) Prohibited shooting at or near Steller sea lions; (2) prohibited, with limited exceptions, vessels from entering within 3 nautical miles (nm) (5.5 km) of selected Steller sea lion rookeries and individuals on land from approaching within one-half mile (0.8 km) or within sight of listed Steller sea lion rookeries in the GOA and BSAI; and (3) limited the allowable annual take of Steller sea lions incidental to commercial fisheries to 675 animals in Alaskan waters and adjacent areas of the U.S. Exclusive Economic Zone west of 141° W. longitude (50 CFR 227.12). These protective regulations were intended to reduce sea lion mortality, restrict opportunities for unintentional and intentional harassment of sea lions, and minimize disturbance and interference with sea lion behavior, especially at pupping and breeding sites.

Since listing, NMFS has implemented additional regulations under the Magnuson Fishery Conservation and Management Act (Magnuson Act) to reduce the possible adverse effects of the GOA and BSAI Federally managed groundfish fisheries on Steller sea lions, their habitat and food resources. Effective January 20, 1992, NMFS: (1) Prohibited trawling year-round within 10 nm of listed GOA and BSAI Steller sea lion rookeries; (2) prohibited trawling within 20 nm of the Akun, Akutan, Sea Lion Rock, Agligadak, and Seguam rookeries during the BSAI winter pollock roe fishery; and (3) placed spatial and temporal restrictions on the GOA pollock harvest to divert some fishing effort away from sea lion foraging areas and to spread effort over the calendar year. Protective regulations have focused on the geographic area where the sea lion population has experienced the greatest decline.

Recovery Plan

The ESA requires that NMFS develop and implement recovery plans for the conservation and survival of threatened and endangered species. Accordingly, NMFS appointed a Steller Sea Lion Recovery Team (hereafter referred to as the Recovery Team) during April 1990. The Recovery Team submitted a draft Recovery Plan to NMFS on February 15, 1991, which NMFS released for public review and comment (56 FR 11204, March 15, 1991). Following review and comment, a final draft of the Steller Sea Lion Recovery Plan was submitted by the Recovery Team to NMFS on October 3, 1991, for NMFS review and approval. The final draft Recovery Plan incorporated, to the maximum extent possible, the comments that were submitted to NMFS during the technical review process. The Plan discusses the natural history and current status of the species, as well as the known and potential human impacts on the species, and recommends management and research actions to aid the species' recovery. The final Recovery Plan was approved by NMFS on December 30, 1992.

In a separate letter to NMFS dated April 11, 1991, the Recovery Team recommended terrestrial and aquatic areas that should be considered as critical habitat for the Steller sea lion. Those recommendations have been included in this proposal.

Definition of Critical Habitat

Critical habitat is defined in section 3(5)(A) of the ESA as "(i) the specific areas within the geographical area occupied by the species * * *, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) specific areas outside the geographical area occupied by the species * * * upon a determination by the Secretary that such areas are essential for the conservation of the species."

Areas outside the current range of a species can only be designated if a designation limited to the species' present distribution would be inadequate to ensure the conservation of the species. The term "conservation," as defined in section 3(3) of the ESA means "* * * to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary."

The criteria to be considered in critical habitat designation are specified under 50 CFR 424.12. NMFS is required to consider those physiological, behavioral, ecological, and evolutionary requirements that are essential to the conservation of the species and that may require special management considerations or protection. Such requirements include, but are not limited to: (1) Space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or

shelter; (4) sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and (5) habitats that are, generally, protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

In addition, when considering the designation of critical habitat, NMFS is required to focus on and list the biological or physical features (primary constituent elements) within the designated areas that are essential to the conservation of the species and that may require special management considerations or protection.

Consideration of Economic, Environmental and Other Factors

The economic, environmental, and other impacts of a critical habitat designation were considered and evaluated. NMFS identified present and anticipated activities that may adversely modify the areas being considered for critical habitat, or be affected by a designation. An area may be excluded from a critical habitat designation if NMFS determines that the overall benefits of exclusion outweigh the benefits of designation, unless the exclusion will result in the extinction of the species.

The impacts considered in this analysis are only those incremental impacts specifically resulting from a critical habitat designation, above the economic and other impacts attributable to listing the species or resulting from other authorities. Since listing a species under the ESA provides significant protection to the species' habitat, in many cases the direct economic and other impacts resulting from the critical habitat designation, over and above the impacts of the listing itself, are minimal (see Significance of Designating Critical Habitat section of this preamble). In general, the designation of critical habitat only duplicates and reinforces the substantive protection resulting from the listing itself.

Impacts attributable to listing include those resulting from the taking prohibitions under section 9 of the ESA and associated regulations. "Taking" as defined in the ESA means to harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm to a listed species can occur through destruction or modification of habitat (whether or not designated as critical) that significantly impairs essential behaviors, including breeding, feeding, migrating, or sheltering.

Impacts attributable to listing also include those resulting from the duty of Federal agencies under section 7 to ensure that their actions are not likely to jeopardize endangered or threatened species. An action could be likely to jeopardize the continued existence of a listed species through the destruction or modification of its habitat, regardless of whether that habitat has been designated as critical.

Significance of Designating Critical Habitat

The designation of critical habitat does not, in itself, restrict human activities within the area or mandate any specific management or recovery action. A critical habitat designation contributes to species conservation primarily by identifying critically important areas and by describing the features within the areas that are essential to the species, thus alerting public and private entities to the importance of the area. Under the ESA, the only direct impact of a critical habitat designation is under the provisions of section 7. Section 7 applies only to actions with Federal involvement (e.g., authorized, funded, conducted), and does not affect exclusively state or private activities.

Under the section 7 provisions, a designation of critical habitat would require Federal agencies to ensure that any action they authorize, fund, or carry out is not likely to destroy or adversely modify the designated critical habitat. Activities that adversely modify critical habitat are defined as those actions that "appreciably diminish the value of critical habitat for both the survival and recovery" of the species (50 CFR 402.02). Regardless of a critical habitat designation, Federal agencies must ensure that their actions are not likely to jeopardize the continued existence of the listed species. Activities that jeopardize a species are defined as those actions that "reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery" of the species (50 CFR 402.02). Using these definitions, activities that destroy or adversely modify critical habitat also are likely to jeopardize the species. Therefore, the protection provided by a critical habitat designation usually only duplicates the protection provided under the section 7 jeopardy provision. Designation of critical habitat may provide additional benefits to a species in cases where areas outside of the species' current range have been designated. In these cases, it is expected that Federal agencies would consult on additional actions occurring in these areas.

A designation of critical habitat provides a clearer indication to Federal agencies as to when consultation under section 7 is required, particularly in cases where the action would not result in direct mortality or injury to individuals of a listed species (e.g., an action occurring within the critical area when a migratory species is not present). The critical habitat designation, describing the essential features of the habitat, also assists in determining which activities conducted outside the designated area are subject to section 7 (i.e., activities that may affect essential features of the designated area). For example, disposal of waste material in waters adjacent to a critical habitat area may affect an essential feature of the designated habitat (water quality) and would be subject to the provisions of section 7 of the ESA.

A critical habitat designation would also assist Federal agencies in planning future actions, since the designation establishes, in advance, those habitats that will be given special consideration in section 7 consultations. This is particularly true in cases where there are alternative areas that would provide for the conservation of the species. With a designation of critical habitat, potential conflicts between projects and endangered or threatened species can be identified and possibly avoided early in the agency's planning process.

Another indirect benefit of designating critical habitat is that it helps focus Federal, state, and private conservation and management efforts in those areas. Recovery efforts may address special considerations needed in critical habitat areas, including conservation regulations to restrict private as well as Federal activities. The economic and other impacts of these actions would be considered at the time of proposal and, therefore, are not considered in the critical habitat designation process. Other Federal, state, and local laws or regulations, such as zoning or wetlands protection, may also provide special protection for critical habitat areas.

Process for Designating Critical Habitat

In summary, developing a proposed critical habitat designation involves three main considerations. First, the biological needs of the species are evaluated and essential habitat areas and features identified. If there are alternative areas that would provide for the conservation of the species, these alternative areas are also identified. Second, the need for special management considerations or protection of the areas or features is evaluated. Finally, the probable economic and other impacts of

designating these essential areas as "critical habitat" are evaluated. After considering the requirements of the species, the need for special management, and the impacts of designation, the proposed critical habitat is published in the **Federal Register** for comment. The final critical habitat designation, considering comments on the proposal and impacts assessment, is published within 1 year of the proposal. Final critical habitat designations may be revised, using the same process, as new data become available.

A description of the essential habitat, need for special management, impacts of designating as critical habitat, and the proposed action are described in the following sections for the Steller sea lion.

Essential Habitat of the Steller Sea Lion

Available biological information for the listed Steller sea lion can be found in the final Recovery Plan (NMFS 1992). The physical and biological habitat features that support reproduction, foraging, rest, and refuge are essential to the conservation of the Steller sea lion. For the Steller sea lion, essential habitat includes both terrestrial and aquatic areas.

Terrestrial Habitat

Because of their traditional use and the relative ease of observation, terrestrial habitats are better known than aquatic habitats. Steller sea lion rookeries and haulouts are widespread throughout their geographic range, and the locations used change little from year to year. Factors that influence the suitability of a particular area include substrate, exposure to wind and waves, the extent and type of human activities and disturbance in the region, and proximity to prey resources (Mate 1973).

The best known Steller sea lion habitats are the rookeries, where adult animals congregate during the reproductive season for breeding and pupping. Rookeries are defined as those sites where males defend a territory and where pupping and mating occurs. Rookeries typically occur on relatively remote islands, rocks, reefs, and beaches, where access by terrestrial predators is limited. A rookery may extend across low-lying reefs and islands, or may be restricted to a relatively narrow strip of beach by steep cliffs. Rookeries are occupied by breeding animals and some subadults throughout the breeding season, which extends from late May to early July throughout the range. Female sea lions frequently return to pup and breed at the same rookery in successive years (Gentry 1970), and this site may be the same rookery, or approximate rookery (same island) as the female's natal site (Calkins and Pitcher 1982).

Steller sea lion rookeries are found from the central Kuril Islands around the Pacific Rim of the Aleutian Islands to Prince William Sound (Seal Rocks, at the entrance to Prince William Sound, Alaska, is the northernmost rookery) and south along the coast of North America to Ano Nuevo Island, California, the southernmost rookery. Loughlin, Rugh and Fiscus (1984) identified 51 Steller sea lion rookeries; since that time two additional rookeries have been identified in southeastern Alaska (Hazy Islands and White Sisters), bringing the total to 53 (43 of which are within U.S. borders). Historically, the largest rookeries occurred in the central and eastern Aleutian Islands, and the western and central GOA (Kenyon and Rice 1961; Loughlin, Rugh and Fiscus 1984; Loughlin, Perex and Merrick 1987). Because of drastic declines in pup production at the GOA and Aleutian Islands rookeries, the Forrester Island rookery in southeastern Alaska has been the largest annual producer of pups in recent years.

Haulouts are areas used for rest and refuge by all ages and both sexes of sea lions during the non-breeding season and by non-breeding adults and subadults during the breeding season. Sites used as rookeries in the breeding season may also be used as haulouts during other times of the year. Many rocks, reefs, and beaches are used as haulout sites; Steller sea lions are also occasionally observed hauled out on sea ice and manmade structures, such as breakwaters, navigational aids, and floating docks.

The Recovery Team identified 121 major haulout sites. Major haulouts were defined by the Recovery Team as sites where more than 200 animals have been counted. There are many more haulout sites throughout the range that are used by fewer animals or may be used irregularly.

Aquatic Habitat

Although they are most commonly seen and studied while on land, Steller sea lions spend most of their time at sea. The principal, essential at-sea activity presumably is feeding.

Nearshore waters around rookeries and haulouts: For regulatory purposes, the waterward boundary of rookeries and haulouts has been defined as the mean low-water mark. However, biologically, the boundaries are not that simply delineated. Nearshore waters surrounding rookeries and haulouts are an integral component of these habitats. Animals must regularly transit this region as they go to, and return from, feeding trips. As pups mature, they spend an increasing amount of time in waters adjacent to rookeries, where they develop their swimming ability and other aquatic behaviors. Waters surrounding rookeries and haulouts also provide a refuge to which animals may retreat when they are displaced from land by disturbance.

Rafting sites: In addition to rookeries and haulouts, sea lions also use traditional rafting sites. These are locations where the animals rest on the ocean surface in a tightly-packed group (Bigg 1985). Although the reasons for rafting are not fully understood, the widespread use and traditional nature of these sites indicate that they are an essential part of Steller sea lion habitat.

Food resources: Adequate food resources are an essential component of the Steller sea lion's aquatic habitat. Steller sea lions are opportunistic carnivores that prey predominantly upon demersal and off-bottom schooling fishes; invertebrates, e.g., squid and octopus, also appear to be regular component of their diet (Pitcher 1981). Prey consumption is expected to vary geographically, seasonally, and over years in response to fluctuations in prey abundance and availability (Pitcher 1981, Hoover 1988).

Data on Steller sea lion prey consumption are fairly limited. Results of limited diet studies conducted in Alaska since 1975 indicate that walleye pollock (*Theragra chalcogramma*) has been the principal prey in all areas over this time period, with Pacific cod (*Gadus macrocephalus*), octopus (*Octopus* sp.), squid (Gonatidae), Pacific herring (*Clupea harengus*), Pacific salmon (*Onchorhynchus* spp.), capelin (*Mallotus villosus*), and flatfishes (Pleuronectidae) also consumed (Pitcher 1981, Calkins and Pitcher 1982, Calkins and Goodwin 1988, Lowry et al. 1989). Few data are available on Steller sea lion prey preferences in Alaska prior to 1975; however, those data available indicate that pollock may have been a less important component of the diet in previous years (Fiscus and Baines 1966, Pitcher 1981). Limited food habit data from California and Oregon show a predominance of rockfish (Scorpaenidae) and hake (*Merluccius productus*) in the diet, with flatfish, squid, octopus, and lamprey (*Lampetra tridentatus*) also eaten.

Foraging habitats: Specific foraging sites, and their constancy over time, have not been well defined. NMFS' ongoing studies in the central GOA and Aleutian Islands using satellite telemetry are providing more detailed

information on feeding areas and diving patterns in Alaskan waters. Findings to date are summarized below: NMFS has deployed 52 satellite-linked time depth recorders on Steller sea lions since 1989. The results of this tagging indicate that waters in the vicinity of rookeries and haulouts are important foraging habitats, particularly for post-parturient females and young animals. These investigations strongly suggest that sea lion foraging strategies and ranges change seasonally, and according to the age and reproductive status of the animal.

Summertime foraging by postpartum females, whose foraging range is probably restricted by the need to return to the rookery to nurse pups, appears to occur mainly in relatively shallow waters within 20 nm of the rookeries. Data from tagged animals without pups and females with pups during the winter indicate that adult sea lions have the ability to forage at locations far removed from their rookeries and haul-out sites, and at great depths. Sea lion pups by their sixth month are also capable of traveling extended distances from land. However, dive depth appears to be more limited, and may restrict foraging success. Few observed dives by juvenile sea lions (younger than 11 months) have exceeded 20 m, whereas adult animal have been observed diving to depths greater than 250 m.

Need for Special Management Considerations or Protection

The following discussion outlines specific essential habitats that may require special management considerations or protection. Under separate rulemakings, NMFS has already determined that certain Steller sea lion habitats require special management considerations or protection, and has limited human activities in these areas. These management actions and the essential habitats they protect are also described below.

Terrestrial Habitats

The Steller sea lion's use of traditional sites, and the link of territorial males, postpartum females, and pups to rookery sites during the breeding season make them particularly vulnerable to intentional harassment. Observed responses to human disturbance vary from no reaction at all to mass stampedes into the water. In some cases, haulout sites have been completely abandoned after repeated disturbances, whereas in other cases sea lions have continued to use sites even after extreme harassment (Hoover 1988). The remote locations of most rookeries and haulouts help to reduce the frequency of harassment, but disturbance of sea lions by air and water craft continues to occur. Steller sea lions are vulnerable to harassment and disruption of essential life functions (e.g., breeding, pup care, and rest) at rookeries and haulouts throughout their range.

Aquatic Habitats

Nearshore waters around rookeries and haulouts: Nearshore waters associated with terrestrial habitats are subject to the same types of disturbance as rookeries and haulouts. NMFS has prohibited vessel entry within 3 nm of all Steller sea lion rookeries west of 150° W. longitude, the area where the greatest population decline has occurred, primarily to protect sea lions using these habitats from intentional and unintentional harassment. The Recovery Team recommended that waters extending 3,000 feet (0.9 km) from rookeries and major haulouts throughout the range of Steller sea lions be considered essential habitat that merits special management consideration.

Rafting sites: Available information is not sufficient to identify any specific rafting sites that are in need of special management consideration. Therefore, rafting sites are not included in this critical habitat designation.

Prey resources and foraging habitats: Reduction in food availability, quantity, and/or quality is considered to be a possible factor in the Steller sea lion population decline (Calkins and Goodwin 1988; Merrick, Loughlin and Calkins 1987; Loughlin and Merrick 1989; Lowry, Frost and Loughlin 1989). Most of the data on proximate causes of the Alaska sea lion decline point to reduced juvenile survival as a significant causative agent. There are also indications that decreased juvenile survival is due to a lack of food post-weaning and during the winter/spring of the first year. Calkins and Goodwin (1988) found that Steller sea lions collected in the GOA in 1985–1986 were significantly smaller (girth, weight, and standard length) than same-aged animals collected in the GOA in the 1970s. Reduced body size at age was interpreted as an indicator of nutritional stress.

Conservation and management of prey resources and foraging areas appears essential to the recovery of the Steller sea lion population. The quality and quantity of these resources may be degraded by human activities, e.g., pollutant discharges, habitat losses associated with human development, and commercial fisheries. Available data indicate that contamination of sea lion food resources by anthropogenic pollutants has not been a significant factor in the Steller sea lion decline. Changes in prey base due to physical habitat alteration also appear insignificant. Local degradation of sea lion food resources may occur near human population centers, along shipping lanes, and near drill sites. Presently, there is insufficient information to identify any specific geographic areas where additional management measures to protect sea lion food resources from contaminant inputs and habitat loss, beyond the existing state and Federal regulations, are necessary.

The relationship between commercial fisheries and the Steller sea lion's ability to obtain adequate food is unclear. The BSAI/GOA geographic region where Steller sea lions have experienced the greatest population decline is also an area where large commercial fisheries have developed. Many of the Steller sea lion's preferred prey species are harvested by commercial fisheries in this region, and food availability to Steller sea lions may be affected by fishing. At present, NMFS believes that the exploitation rates in Federally managed fisheries are unlikely to diminish the overall abundance of fish stocks important to Steller sea lions. However, spatial and temporal regulation of fishery removals in some areas has been determined to be necessary to ensure that local depletion of prey stocks does not occur.

No definitive description of Steller sea lion foraging habitat is possible. However, available data from satellite telemetry studies indicate that nearshore waters proximal to rookeries and haulouts are important foraging zones for females with pups during the breeding season and yearlings in the non-breeding season. Because of concerns that commercial fisheries in these essential sea lion habitats could deplete prey abundance, NMFS amended the BSAI and GOA groundfish Fishery Management Plans. Under the Magnuson Act, NMFS: (1) Prohibited trawling year-round within 10 nm of listed GOA and BSAI Steller sea lion rookeries; (2) prohibited trawling within 20 nm of the Akun, Akutan, Sea Lion Rock, Agligadak, and Seguam rookeries during the BSAI winter pollock roe fishery to mitigate concentrated fishing effort on the southeastern Bering Sea shelf and in Seguam Pass; and (3) placed spatial and temporal restrictions on the GOA pollock harvest to divert some fishing effort way from sea lion foraging areas and to spread effort over the calendar year. NMFS is also

proposing to expand seasonally the 10 nm no-trawl zone around Ugamak Island in the eastern Aleutians to 20 nm (57 FR 57726; Dec. 7, 1992). The expanded seasonal buffer at Ugamak Island is intended to better encompass Steller sea lion winter habitats and juvenile foraging areas in the eastern Aleutian Islands region during the BSAI winter pollock fishery.

In taking these regulatory actions, NMFS determined that aquatic habitats and prey resources in the vicinity of GOA and BSAI sea lion rookeries, in Seguam Pass, and on the southeastern Bering Sea shelf are essential to Steller sea lions, and are in need of special management considerations and/or protection. These aquatic habitats are proposed for critical habitat designation.

NMFS is also proposing to designate other foraging habitats, e.g., within 20 nm of major haulouts and Shelikof Strait, where additional management restrictions on human activities do not appear to be warranted at this time. Monitoring of fishery harvests and Steller sea lion research in these habitats will continue.

Essential Steller sea lion prey resources and foraging habitats also occur outside of the GOA and BSAI. However, we do not have sufficient information to identify any specific foraging areas to the east of 144° W. longitude that require special management consideration.

Activities That May Affect Essential Habitat

A wide range of activities by several private, state, and Federal activities and agencies may affect the essential habitats of Steller sea lions. Specific human activities that occur within or in the vicinity of the essential sea lion habitat defined above, and that may disrupt the essential life functions that occur there, include, but are not limited to (1) wildlife viewing (primarily south-central and southeastern Alaska, Oregon, and California); (2) boat and airplane traffic (throughout the range of the Steller sea lion); (3) research activities (on permitted sites and during specified times throughout the year); (4) commercial, recreational, and subsistence fisheries for groundfish, herring, salmon, and invertebrates, e.g., crab, shrimp, sea urchins/cucumbers (throughout the range of the Steller sea lion); (5) timber harvest (primarily southeastern and south-central Alaska); (6) hard mineral extraction (primarily southeastern Alaska); (7) oil and gas exploration (primarily Bering Sea and GOA); (8) coastal development, including pollutant discharges (specific sites throughout range); and (9) subsistence harvest (Alaska).

Federal agencies whose actions may affect essential sea lion habitats and will most likely be affected by this critical habitat designation include, but are not necessarily limited to (1) the U.S. Department of the Interior, Bureau of Land Management, Minerals Management Service (MMS), the National Park Service, and the U.S. Fish and Wildlife Service, (2) the U.S. Department of Agriculture, the Forest Service; (3) the U.S. Environmental Protection Agency; (4) the U.S. Coast Guard; (5) the U.S. military, including the Navy and Air Force; (6) and primarily, the U.S. Department of Commerce, NMFS.

Expected Impacts of Designating Critical Habitat

There are no inherent restrictions on human activities in an area designated as critical habitat. A critical habitat designation affects only those actions authorized, funded, or carried out by Federal agencies. Under section 7 of the ESA, Federal agencies are required to ensure that their actions are not likely to jeopardize the continued existence of listed species or to result in the destruction or adverse modification of critical habitat

In many cases, the primary benefit of the designation of critical habitat is that it provides notification to Federal agencies that a listed species is dependent on a particular area for its continued existence and that any Federal action that may affect that area is subject to the consultation requirements of section 7 of the ESA. Therefore, this designation would require Federal agencies to evaluate their activities with respect to Steller sea lion critical habitat and to consult with NMFS prior to engaging in any action that may affect the critical habitat.

This designation will assist Federal agencies in evaluating the potential environmental impacts of their activities on Steller sea lions or their critical habitat, and in determining when consultation with NMFS would be appropriate. Currently (prior to the proposed critical habitat designation), Federal agencies active within the range of the Steller sea lion are required to consult with NMFS regarding projects and activities they permit, fund, or otherwise carry out that may affect the species pursuant to section 7 of the ESA. A Federally regulated activity may be conducted in an area designated as critical habitat if the authorizing Federal agency determines through the ESA section 7 consultation process that the activity is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of its critical habitat. It is difficult to separate these two concepts. Activities that result in the destruction or adverse modification of critical habitat are also very likely to jeopardize the continued existence of the species, given the definitions specified in 50 CFR 402.02, regardless of any official critical habitat designation or the absence of such a designation. Therefore, in most situations, if not all, such consultations would be required even without this critical habitat designation because an action that is likely to affect the critical habitat would also be expected to affect the species. Additional consultations as a result of this designation are unlikely to be necessary.

NMFS has already reinitiated section 7 consultation on Federal actions that occur within the range of the Steller sea lion, including those that occur within these proposed critical habitat areas. Federal activities for which section 7 consultations have been reinitiated/conducted include: (1) Federally managed fisheries; (2) MMS Outer Continental Shelf lease sales (areas being considered by MMS for oil and gas lease sales during the 1992–1997 period include portions of proposed critical habitat in Shelikof Strait and the Bogoslof Island area); (3) U.S. Forest Service timber harvest and mineral extraction proposals; (4) EPA waste discharge permits; (5) U.S. Army Corps of Engineers section 10/404 permits; and (6) U.S. military activities.

Section 7 consultations on the Federally managed groundfish fisheries of the BSAI and GOA management areas have resulted in changes in the manner in which these fisheries are prosecuted, specifically to protect Steller sea lions and their essential habitats. Economic effects attributable to these regulations were analyzed in the environmental assessments and other regulatory documents produced in support of those decisions.

The designation of the proposed critical habitat will not affect state and local government activity, or private actions that are not dependent on, or limited by, Federal authority, permits, or funds. The designation will help to inform private and state agencies of the importance of these habitat areas to Steller sea lions. Other provisions of the ESA, such as the prohibition on takings, are applicable to state agencies and private parties.

It should be noted that the taking prohibition has been interpreted broadly, and that the destruction of

habitat may be considered a taking, regardless of any official critical habitat designation or the absence of such a designation and regardless of Federal involvement or the lack of such involvement.

It should also be noted that activities conducted outside of designated critical habitat areas may adversely modify or destroy critical habitat or may jeopardize the continued existence of the listed species. Such a result should be anticipated if the activity has a significant impact on an essential feature identified in the critical habitat designation.

Developed areas, such as roads, are not proposed for designation as critical habitat even if physically situated within the boundaries of the proposed critical habitat units, nor are man-made structures (i.e. jetties or piers) although Steller sea lions may use these structures for haulout sites. In cases where the proposed critical habitat boundaries unavoidably contain man-made structures, these areas will be unaffected by critical habitat designation.

NMFS prepared an Environmental Assessment (EA), based on the best available information, that describes the environmental and economic impacts of alternative critical habitat designations. The proposed action identifies and delineates critical habitat for the Steller sea lion.

This action is intended to maintain and/or enhance, rather than to use, a resource. No adverse environmental impacts from the designation of critical habitat are expected. Rather, this action may enhance the long-term productivity of these areas by ensuring that a Federal agency's actions will not result in the adverse modification or destruction of critical habitat for the Steller sea lion.

Proposed Critical Habitat: Essential Features

NMFS proposes to designate the following areas as critical habitat for the Steller sea lion. These areas are considered essential for the health, continued survival, and recovery of the Steller sea lion population, and may require special management consideration and protection.

(1) NMFS proposes to designate all Steller sea lion rookeries and major haulouts within state and Federally managed waters off Alaska as critical habitat for the species (tables 1 and 2 to proposed 50 CFR 226.12). This designation includes a zone that extends 3,000 feet (0.9 km) of 144° W. longitude, or 20 nm seaward from BSAI and GOA Steller sea lion rookeries and major haulouts west seaward from rookeries and major haulouts located in Alaska east landward and vertical of each rookery and major haulout boundary, and a zone that extends either 3,000 feet (0.9 km) of 144° W. longitude.

This geographic region has historically been the center of Steller seal lion abundance, and has experienced the greatest decline. Aquatic areas surrounding major rookeries and haulout sites provide foraging habitats, prey resources, and refuge considered essential to the conservation of Steller sea lions. The proposed critical habitat surrounding each BSAI and GOA rookery and major haulout site includes not only the aquatic areas adjacent to rookeries that are essential to lactating females and juveniles, but also encompasses aquatic zones around major haulouts, which provide foraging and refuge habitat for non-breeding animals year-round and for reproductively active animals during the non-breeding season. These areas are considered critical to the continued existence of the species throughout their range since they are essential for reproduction, rest, and refuge from predators and human-related disturbance.

(2) NMFS proposes to designate all Steller sea lion rookeries within state and Federally managed waters off Washington, Oregon and California, including the zone that extends 3,000 feet (0.9 km) vertical and seaward from each rookery. A 3,000 foot "buffer zone" landward of rookeries in Washington, Oregon and California would not be appropriate, generally, for these sites. These rookeries are, for the most part, small offshore rocks and outcroppings where upland boundaries are not applicable due to the small size of the site. Haulout sites in Washington, Oregon and California have not been proposed as Steller sea lion critical habitat.

Proposed critical habitat designations (1) and (2) are consistent with recommendations of the Recovery Team, except that rookeries and haulouts outside of U.S. waters have not been included (50 CFR 424.12(h)). They are also consistent with the intent of protective measures developed by NMFS at the time the species was listed as threatened (55 FR 49204, Nov. 26, 1990).

(3) NMFS proposes to follow the recommendations of the Recovery Team and designate critical aquatic foraging habitat within the core of the Steller sea lion's geographic range, where the greatest population decline has been observed. The Recovery Team recommended one aquatic zone for critical habitat designation that is located exclusively in the GOA (Shelikof Strait) (figure 1 of proposed 50 CFR 226.12), and two aquatic zones in the BSAI area (Bogoslof Island area and Seguam Pass) (figures 2 and 3 of proposed 50 CFR 226.12). These sites were selected because of their geographic location relative to Stellar sea lion abundance centers, their importance as Steller sea lion foraging areas, their present or historical importance as habitat for large concentrations of Steller sea lion prey items that are essential to the species' survival, and because of the need for special consideration of Steller sea lion prey and foraging requirements in the management of the large commercial fisheries that occur in these areas.

The aquatic foraging sites in the BSAI (Seguam and Bogoslof Island area) that were recommended by the Recovery Team for critical habitat designation are included in this proposal with one modification. NMFS is proposing to designate an area on the southeastern Bering Sea shelf that includes Bogoslof Island, but is larger than that recommended by the Recovery Team. This enlarged area better encompasses a diverse oceanographic region with high concentrations of important sea lion food resources, e.g., walleye pollock, eulachon, capelin, and migrating herring, as well as intense commercial fisheries for these prey resources.

Essential Steller sea lion prey resources and foraging habitats occur outside of the GOA and BSAI. However, NMFS does not have sufficient information to identify specific foraging areas to the east of 144° W. longitude that require special management considerations. Therefore, NMFS is not proposing to designate any critical foraging habitats in these areas. Modifications to this critical habitat designation may be necessary in the future as additional information becomes available.

Public Comments Solicited

NMFS is soliciting information, comments, or recommendations on any aspect of this proposed rule from the public, concerned government agencies, the scientific community, industry, private interests, or any other interested party. NMFS will consider all comments received by the date specified (see DATES) in reaching a final decision.

References

A list of references is included in the Environmental Assessment (EA) and available upon request (see ADDRESSES).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The regulations are not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The economic impacts specifically resulting from the designation of critical habitat, above the impacts attributable to listing the species or from other authorities, are expected to be minimal. The General Counsel of the Department of Commerce has certified that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act; therefore, a regulatory flexibility analysis is not required.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act of 1980. NOAA Administrative Order 216–6 states that critical habitat designations under the ESA, generally are categorically excluded from the requirements to prepare an EA or Environmental Impact Statement. However, in order more clearly to evaluate the minimal environmental and economic impacts of the proposed critical habitat designation versus the alternative of a no-critical habitat designation, NMFS has prepared an EA. Copies of the EA are available on request (see **ADDRESSES**).

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator has determined that the proposed designation of critical habitat for Steller sea lions is consistent to the maximum extent practicable with the approved Coastal Zone Management Programs of the states of Alaska, Washington, Oregon, and California. This determination has been submitted for review by the responsible state agencies under section 7 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 226

Endangered and threatened wildlife.

Dated: March 25, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

For the reasons set forth in the preamble, 50 CFR part 226 is proposed to be amended as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. New § 226.12 is added to subpart B to read as follows:

§ 226.12 North Pacific Ocean

Steller Sea Lion *(Eumetopias jubatus)*

All rookeries and major haulouts within the state and Federally managed waters off Alaska, including a zone that extends 3,000 feet (0.9 km) landward and vertical of each rookery and major haulout boundary, where possible, and a zone that extends either 3,000 feet (0.9 km) seaward from the site boundary for rookeries and major haulouts located in state and Federally managed waters of Alaska east of 144° W. longitude, or 20-nm seaward from the site boundary for sites west of 144° W. longitude; all rookeries within the state and Federally managed waters off Washington, Oregon and California, including the zone that extends 3,000 feet (0.9 km) vertical and seaward from each rookery (tables 1 and 2 to part 226).

U.S. waters and food resources in Shelikof Strait, Gulf of Alaska; in the southeastern Bering Sea shelf, and in Seguam Pass, Aleutian Islands (figures 1 through 3 to part 226).

3. Tables 1 and 2 and figures 1 through 3 are added to the part to read as follows:

Major Steller sea lion rookery sites are identified in the following table. Each baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates; or, if only one set of coordinates is listed, the site extends around the entire shoreline of the island at mean lower-low water. Proposed critical habitat includes the area 3,000 feet (915 meters) landward (Alaska sites only) and seaward from the site baseline, and a vertical extension above the land area measured from sea level. For sites identified with an asterisk, the proposed critical habitat includes the area 20 nautical miles (32 kilometers) seaward from the site baseline.

TABLE 1 TO PART 226

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Alaska:				
Western Aleutians:				
Agattu I./Cape Sabak*	52°23.5 N	173°43.5 E	52°22.0 N	173°41.0 E
/Gillon Point*	52°24.0 N	173°21.5 E		
Attu I.*	52°57.5 N	172°31.5 E	52°54.5 N	172°28.5 E
Buldir I.*	52°20.5 N	175°57.0 E	52°23.5 N	175°51.0 E
Central Aleutians:				
Adak I.*	51°36.5 N	176°58.5 W	51°38.0 N	176°59.5 W
Agligadak I.*	52°6.25 N	172°54.0 W		
Amchitka I./Column Rock*	51°32.5 N	178°50.0 E		
/East Cape*	51°23.5 N	179°26.0 E	51°22.0 N	179°23.0 E
Ayugadak I.*	51°45.5 N	178°24.5 E		
Gramp Rock*	51°29.0 N	178°20.5 W		
Kasatochi I.*	52°10.5 N	175°29.0 W	52°10.0 N	175°31.5 W
Kiska I./Lief Cove*	51°57.5 N	177°21.0 E	51°56.5 N	177°20.0 E
/Cape St. Stephen*	51°52.5 N	177°13.0 E	51°53.5 N	177°12.0 E

TABLE 1 TO PART 226—Continued

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Seguam I./Saddleridge*	52°21.5 N	172°33.5 W	52°21.5 N	172°35.0 W
Semisopochnoi I.*	51°58.5 N	179°45.5 E	51°57.0 N	179°46.0 E
Tag I.*	51°33.5 N	178°34.5 W		
Ulak I.*	51°20.0 N	178°57.0 W	51°18.5 N	178°59.5 W
Yunaska I.*	52°41.0 N	170°34.5 W	52°42.0 N	170°38.5 W
Eastern Aleutians:				
Adugak I.*	52°55.0 N	169°10.5 W		
Akun I./Billings Head*	54°18.0 N	165°31.5 W	54°18.0 N	165°34.0 W
Akutan I./Cape Morgan*	54°03.5 N	166°00.0 W	54°05.5 N	166°05.0 W
Bogoslof I.*	53°56.0 N	168°02.0 W		
Ogchul I.*	53°00.0 N	168°24.0 W		
Sea Lion Rock*	55°28.0 N	163°12.5 W		
Ugamak I.*	54°14.0 N	164°48.0 W	54°13.0 N	164°48.0 W
Bering Sea:				
Walrus I.*	57°11.0 N	169°56.0 W		
Western Gulf of Alaska:				
Atkins I.*	55°03.5 N	159°18.5 W		
Chernabura I.*	54°47.5 N	159°31.0 W	54°45.5 N	159°33.5 W
Clubbing Rocks*	54°42.0 N	162°27.5 W	54°43.0 N	162°27.5 W
Pinnacle Rock*	54°46.0 N	161°46.0 W		
Central Gulf of Alaska:				
Chirikof I.*	55°46.5 N	155°39.5 W	55°46.5 N	155°43.0 W
Chowiet I.*	56°00.5 N	156°41.5 W	56°00.5 N	156°42.0 W
Marmot I.*	58°14.0 N	151°47.5 W	58°10.0 N	151°51.0 W
Outer I.*	59°20.5 N	150°23.0 W	59°21.0 N	150°24.5 W
Sugarloaf I.*	58°53.0 N	152°02.0 W		
Eastern Gulf of Alaska:				
Seal Rocks*	60°10.0 N	146°50.0 W		
Southeast Alaska:				
Forrester I	54°51.0 N	133°32.0 W	54°52.5 N	133°35.5 W
Hazy I	55°52.0 N	134°34.0 W	55°51.5 N	134°35.0 W
White Sisters	57°38.0 N	136°15.5 W		
Oregon:				
Rogue Reef/Pyramid Rock	42°26.7 N	124°28.2 W		
Orford Reef:				
Long Brown Rock	42°47.5 N	124°36.3 W		
Seal Rock	42°47.2 N	124°35.6 W		
California:				
Ano Nuevo I	37°06.5 N	122°20.5 W		
Cape Mendocino	40°26.0 N	124°24.0 W		
Farallon Islands:				
Southeast	37°41.5 N	123°00.1 W		
Middle	37°43.7 N	123°02.8 W		
North	37°46.3 N	123°06.4 W		
Sugarloaf I	39°44.5 N	123°50.3 W		

Major Steller sea lion haulout sites are identified in the following table. Each baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates; or, if only one set of coordinates is listed, the site extends around the entire shoreline of the island at mean lower-low water. Proposed critical habitat includes the area 3,000 feet (915 meters) landward and seaward from the site baseline, and a vertical extension above the land area measured from sea level. For sites identified with an asterisk, the proposed critical habitat includes the area 20 nautical miles (32 kilometers) seaward from the site baseline.

TABLE 2 TO PART 226

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Alaska:				
Western Aleutians:				
Alaid I.*	52°45.0 N	173°56.5 E	52°46.5 N	173°51.5 E
Shemya I.*	52°44.0 N	174°09.0 E		
Central Aleutians:				
Amlia I./East*	52°05.0 N	172°58.5 W	52°06.0 N	172°57.0 W
/Sviech. Harbor*	52°02.0 N	173°23.0 W		

TABLE 2 TO PART 226—Continued

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Amukta I. & Rocks*	52°31.5 N	171°16.5 W	52°26.5 N	171°16.5 W
Anagaksik I.*	51°51.0 N	175°53.5 W		
Atka I.*	52°23.5 N	174°17.0 W	52°24.5 N	174°07.5 W
Chaguiak I.*	52°34.0 N	171°10.5 W		
Chuginadak I.*	52°46.5 N	169°44.5 W	52°46.5 N	169°42.0 W
Great Sitkin I.*	52°06.0 N	176°10.5 W	52°07.0 N	176°08.5 W
Kagamil I.*	53°02.5 N	169°41.0 W		
Kanaga I./North Cape*	51°56.5 N	177°09.0 W		
/Ship Rock*	51°47.0 N	177°22.5 W		
Kavalga I.*	51°34.5 N	178°51.5 W	51°34.5 N	178°49.5 W
Kiska I./Sobaka & Vega*	51°50.0 N	177°20.0 E	51°48.5 N	177°20.5 E
Little Sitkin I.*	51°59.5 N	178°30.0 E		
Little Tanaga I.*	51°50.5 N	176°13.0 W	51°49.0 N	176°13.0 W
Sagigik I.*	52°00.5 N	173°08.0 W		
Seguam I./South*	52°10.0 N	172°37.0 W	52°19.5 N	172°18.0 W
/Finch Pt.*	52°23.5 N	172°25.5 W	52°23.5 N	172°24.0 W
Segula I.*	52°00.0 N	178°06.5 E		
Tanadak I./East*	51°57.0 N	177°47.0 E		
/West*	52°04.5 N	172°57.0 W		
Tanaga I.*	51°55.0 N	177°58.5 W	51°55.0 N	177°57.0 W
Ugidak I.*	51°35.0 N	178°30.5 W		
Uliaga I.*	53°04.0 N	169°47.0 W	53°05.0 N	169°46.0 W
Unalga & Dinkum Rocks*	51°34.0 N	179°04.0 W	51°34.5 N	179°03.0 W
Eastern Aleutians:				
Akutan I./Reef-Lava*	54°10.5 N	166°04.5 W	54°07.5 N	166°06.5 W
Amak I.*	55°24.0 N	163°07.0 W	55°26.0 N	163°10.0 W
Cape Sedanka & Island*	51°50.0 N	168°04.0 W		
Emerald I.*	53°17.5 N	167°51.5 W		
Old Man Rocks*	53°52.0 N	166°05.0 W		
Polivnoi Rock*	53°16.0 N	167°58.0 W		
Tanginak I.*	54°12.0 N	164°19.0 W		
Tigaida I.*	54°08.5 N	164°58.5 W		
Umnak I.*	53°15.0 N	168°20.0 W		
Bering Sea:				
Cape Newenham*	58°39.0 N	162°10.5 N		
Round I.*	58°36.0 N	159°58.0 W		
Western Gulf of Alaska				
Bird I.*	54°49.0 N	159°46.0 W		
Castle Rock*	55°17.0 N	159°30.0 W		
Caton I.*	54°23.5 N	162°25.5 W		
Jude I.*	55°16.0 N	161°06.0 W		
Lighthouse Rocks*	55°47.5 N	157°23.0 W		
Nagai I.*	54°52.5 N	160°14.0 W	54°56.0 N	160°15.0 W
Nagai Rocks*	55°50.0 N	155°46.0 W		
Sea Lion Rocks*	55°04.5 N	160°31.0 W		
South Rock*	54°18.0 N	162°43.5 W		
Spitz I.*	55°47.0 N	158°53.0 W		
The Whaleback*	55°16.5 N	160°06.0 W		
Central Gulf of Alaska:				
Cape Barnabas*	57°10.0 N	152°55.0 W	57°07.5 N	152°55.0 W
Cape Chiniak*	57°35.0 N	152°09.0 W	57°37.5 N	152°09.0 W
Cape Gull*	58°13.5 N	154°09.5 W	58°12.5 N	154°10.5 W
Cape Ikolik*	57°17.0 N	154°47.5 W		
Cape Kuliak*	57°48.2 N	153°55.0 W		
Cape Sitkinak*	56°32.0 N	153°52.0 W		
Cape Ugat*	57°57.0 N	153°51.0 W		
Gore Point*	59°12.0 N	150°58.0 W		
Gull Point*	57°21.5 N	152°36.5 W	57°24.5 N	152°39.0 W
Latax Rocks*	58°42.0 N	152°28.5 W	58°40.5 N	152°30.0 W
Nagahut Rocks*	59°06.0 N	151°46.0 W		
Puale Bay*	57°41.0 N	155°23.0 W		
Sea Lion Rocks*	58°21.0 N	151°48.5 W		
Sea Otter I.*	58°31.5 N	152°13.0 W		
Shakun Rock*	58°33.0 N	153°41.5 W		
Sud I.*	58°54.0 N	152°12.5 W		
Sutwik I.*	56°32.0 N	157°14.0 W	56°32.0 N	157°20.0 W
Takli I.*	58°03.0 N	154°27.5 W	58°03.0 N	154°30.0 W
Two-headed I.*	56°54.5 N	153°33.0 W	56°53.5 N	153°35.5 W
Ugak I.*	57°23.0 N	152°15.5 W	57°22.0 N	152°19.0 W
Ushagat I.*	58°53.5 N	152°18.5 W		

TABLE 2 TO PART 226—Continued

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Eastern Gulf of Alaska:				
Cape Fairweather	58°47.5 N	137°54.0 W		
Cape St. Elias*	59°48.0 N	144°36.0 W		
Chiswell I.*	59°36.0 N	149°34.0 W		
Graves Rock	57°14.5 N	136°45.5 W		
Hook Point*	60°20.0 N	146°15.5 W		
Middleton I.*	59°26.5 N	146°20.0 W		
Perry I.*	60°39.5 N	147°56.0 W		
Point Eleanor*	60°35.0 N	147°34.0 W		
Point Elrington*	59°56.0 N	148°13.5 W		
Seal Rocks*	60°10.0 N	146°50.0 W		
The Needle*	60°07.0 N	147°37.0 W		
Wooded I.*	59°52.0 N	147°22.0 W		
Southeast Alaska:				
Benjamin I.	58°33.5 N	134°54.5 W		
Biali Rock	56°43.0 N	135°20.5 W		
Biorka I.	56°51.0 N	135°32.0 W		
Cape Addington	55°26.5 N	133°48.5 W		
Cape Cross	57°55.5 N	136°33.0 W		
Cape Ommaney	56°09.5 N	134°39.5 W		
Coronation I.	55°49.5 N	134°16.5 W		
Gran Point	59°08.2 N	135°14.6 W		
Ledge Point	58°48.5 N	130°45.5 W		
Lull Point	57°18.0 N	134°48.5 W		
Sunset I.	57°30.5 N	133°35.0 W		
Timbered I.	55°42.0 N	133°48.0 W		

Figure 1 to Part 226: Proposed Steller sea lion critical habitat in Shelikof Strait. Locations indicated are major Steller sea lion rookeries.

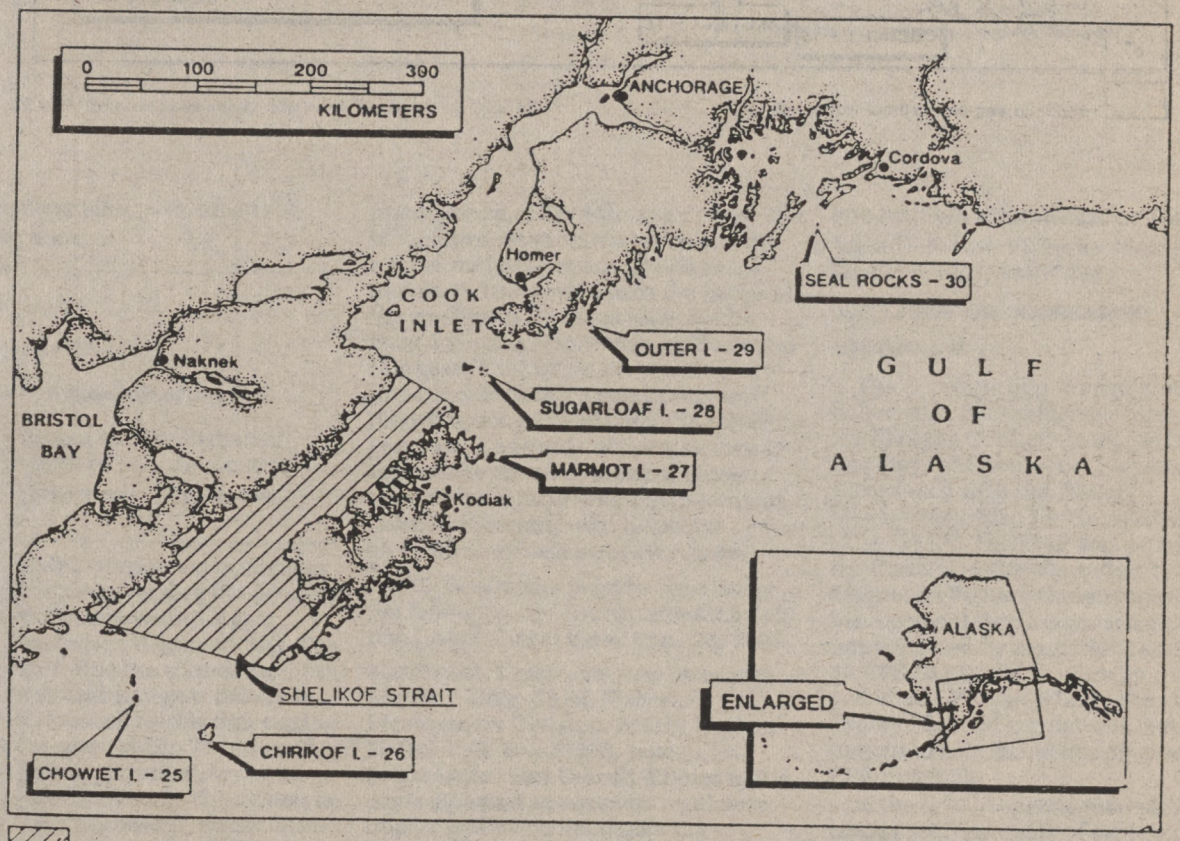


Figure 2 to Part 226: Proposed Steller sea lion critical habitat in the vincinity of Bogoslof Island. Locations indicated are major Steller sea lion rookeries.

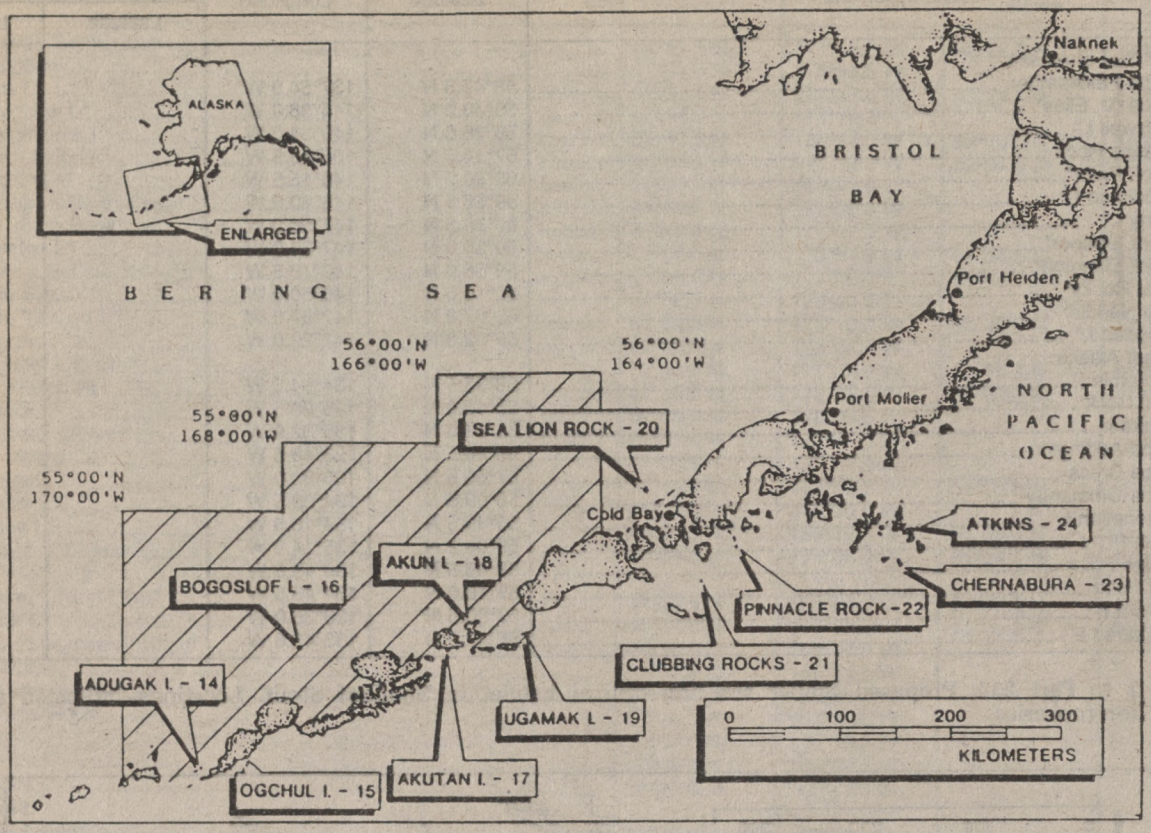
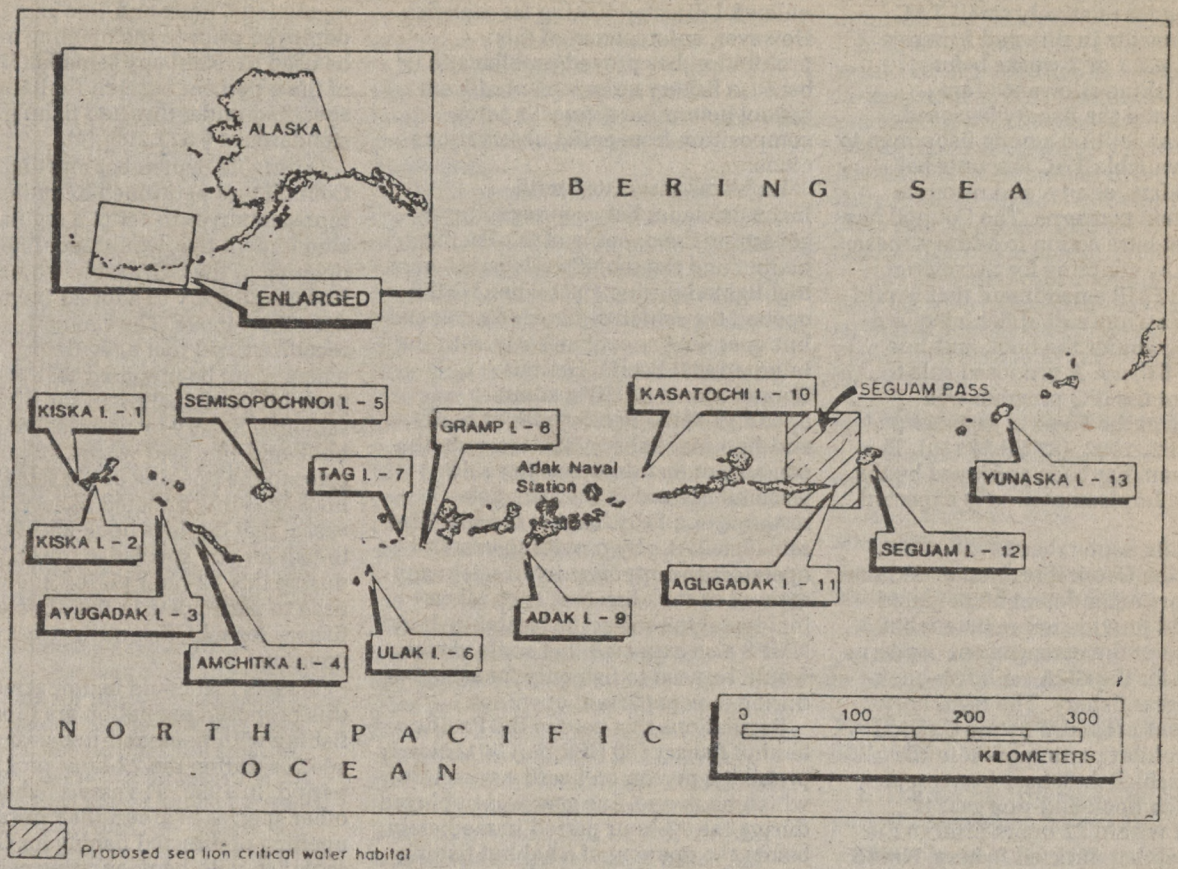


Figure 3 to Part 226: Proposed Steller sea lion critical habitat in vicinity of Sequam Pass. Locations indicated are major Steller sea lion rookeries.



[FR Doc. 93–7512 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–22–M

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50 CFR Part 672

[Docket No. 921185–3022]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes two changes to the regulations governing the opening of the sablefish hook-and-line gear fishery in the Gulf of Alaska (GOA). The first would redefine the start of the GOA sablefish hook-and-line gear fishery to prohibit operators of vessels that deploy hook-and-line gear within 72 hours of the opening from participating in the directed sablefish fishery. This action is necessary to clarify NMFS' intent with respect to the opening of directed fishing for sablefish with hook-and-line gear, and reduce both gear conflicts and preemptions of the fishing grounds. The second proposed action would set the annual mid-May opening date as the mid-May date upon which the tide with the smallest tidal range occurs—the least damaging tidal range for hook-and-line gear. This action is necessary to provide safer fishing conditions and reduce economic costs resulting from gear loss. The intent of these actions is to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to groundfish management off Alaska.

DATES: Comments must be received at the following address no later than 4:30 p.m., Alaska local time, April 28, 1993.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) prepared for the proposed action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Ellen R. Varosi, Fisheries Management Division, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the GOA are managed by the Secretary of Commerce (Secretary) in accordance with the Fishery Management Plan for Groundfish of the GOA (FMP). The FMP was prepared by the Council under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations codified at 50 CFR 611.92 for the foreign fishery and at 50 CFR part 672 for the U.S. fishery. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

In the GOA, separate total allowable catch (TAC) amounts of sablefish are specified for four different regulatory areas and districts. These TAC amounts are further allocated between hook-and-

line and trawl gear. During 1992, 985 vessels participated in the GOA sablefish hook-and-line gear fishery. This large number of fishing vessels competing for relatively small TAC amounts results in directed fisheries that only last 1 or 2 weeks before directed fishing allowances are harvested and the fishery is closed. Intense competition among fishermen to harvest available TAC amounts has created safety, equity, and resource management concerns. The Council has taken long-term action to address these concerns by adopting for Secretarial review an FMP amendment that would authorize an individual fishing quota (IFQ) program for the hook-and-line sablefish fishery. A proposed rule to implement the IFQ program was published in the **Federal Register** on December 3, 1992, (57 FR 57130). The IFQ program has been approved by the Secretary. Implementation is expected in 1994.

During its September 22–27, 1992, meeting, the Council recommended that a regulatory amendment be prepared that would provide immediate relief from some of the management concerns that exist for the GOA sablefish hook-and-line gear fishery. The regulatory amendment proposed by the Council would prohibit participation in the directed sablefish fishery by vessels from which hook-and-line gear is deployed within 72 hours prior to the opening of that directed fishery. NMFS also proposes a regulatory amendment that would set the annual date for the mid-May season opening of the GOA sablefish hook-and-line gear fishery as the date upon which the tide with the smallest tidal range occurs.

Reasons for, and a description of each of the proposed measures follow:

Redefine the Opening of the Gulf of Alaska Sablefish Hook-and-Line Gear Fishery

Under this proposed regulatory measure, no vessel from which hook-and-line gear was used to fish for any species of fish in the GOA during the 72-hour period immediately before an opening to directed fishing for sablefish with hook-and-line gear may be used to participate in that opening of the sablefish fishery. This measure is proposed because existing regulations do not prohibit the deployment of hook-and-line gear prior to an opening for directed fishing for sablefish with this gear type. Some fishermen take advantage of this opportunity by deploying hook-and-line gear prior to the start of the sablefish fishery with the intent to fish for sablefish. These fishermen then retrieve the resulting directed sablefish catch after the directed fishery has opened. Gear deployment before the opening, under these circumstances, constitutes unlawful directed fishing for sablefish. However, enforcement of this prohibition has proved problematic because fishery enforcement officers cannot determine a vessel's catch composition from aerial observations alone.

Problems associated with inconsistencies between regulations governing the opening of the Pacific halibut and the sablefish fisheries were highlighted during 1992 when NMFS opened the sablefish directed hook-and-line gear fishery concurrently with the International Pacific Halibut Commission's (IPHC's) summer openings of the Pacific halibut hook-and-line gear fishery. The intent of the concurrent openings was to avoid wasteful discard of the sablefish resource and fully harvest the specified sablefish TACs by providing vessel operators the opportunity to retain any amount of sablefish that were taken incidental to the Pacific halibut fishery. NMFS also expected that some vessels would be used to fish only for sablefish during the concurrent openings.

Regulations that govern the Pacific halibut fishery (50 CFR part 301) clearly prohibit a person on board a vessel from which hook-and-line gear was deployed during the 72-hour period immediately before the opening of a halibut fishing period from catching or possessing halibut during that halibut fishing period. The Pacific halibut fishery regulations also provide that no vessel from which hook-and-line gear was deployed during the 72-hour period immediately preceding an opening of a halibut fishing period may be used to catch or possess halibut during that halibut fishing period (50 CFR 301.16 (g) and (h)). However, regulations governing the hook-and-line sablefish fishery do not similarly prohibit deployment of hook-and-line fishing gear prior to the opening of the sablefish fishery. As a result, concurrent openings of the Pacific halibut and sablefish fisheries during 1992 created additional confusion in the interpretation of current regulations and resulted, in some instances, in the deployment of hook-and-line gear in advance of the opening of these directed fisheries.

Reports of vessels deploying gear in advance of an opening of the directed sablefish hook-and-line gear fishery were brought to the Council's attention. A clarification of existing regulations was requested at the June 23–28, 1992, Council meeting. NMFS issued a news release on June 26, 1992, stating that hook-and-line gear used in the directed fishery for GOA sablefish may not be deployed until 12 noon of the opening date of that fishery. Under existing regulations, hook-and-line gear that is deployed prior to the opening may not be used to retain any sablefish in excess of the 4 percent bycatch limitation specified under directed fishing standards at § 672.20(g)(4).

During its September meeting, the Council was petitioned by industry representatives to adopt a regulatory amendment that would redefine the opening of the GOA sablefish hook-and-line gear fishery to address the problems described above. The Council recommended that a regulatory amendment be prepared that would prohibit participation in the directed sablefish fishery by vessels that deploy hook-and-line gear within 72 hours prior to the opening of the sablefish hook-and-line directed fishery. No vessel that deploys hook-and-line gear to fish for any species in the GOA during this 72-hour period could be used to participate in the directed fishery for sablefish during that opening.

Vessels that could be impacted under this proposed regulation are those fishing with hook-and-line gear for other species during the 72-hour prohibition period. In 1992, 31 vessels fished for other species of groundfish prior to the opening of directed fishing for GOA sablefish with hook-and-line gear. NMFS specifically requests comments on the potential impact of the proposed action on vessels fishing for other species during the 72-hour period prior to an opening for directed fishing for sablefish with hook-and-line gear. If approved by the Secretary, this regulatory amendment could be effective by May 15, 1993, the current opening date of the GOA sablefish hook-and-line gear fishery.

This action will reduce gear conflicts and the preemption of fishing grounds while providing safer fishing conditions. Without a regulation prohibiting the deployment of gear in advance of the sablefish hook-and-line fishery, vessels could deploy gear prior to the opening. This could cause ground preemptions and gear conflicts because hook-and-line gear can span several miles and gear set in advance of the opening would not be readily visible. Safety is compromised when gear becomes tangled due to tides or the union of two sets of gear. When gear is tangled, tension and torque can cause the line to part which compromises the safety of the fishermen on board while causing economic losses.

Regulatory Framework for Establishing the Season Opening Date

Industry representatives have petitioned NMFS for regulations establishing a regulatory framework for the annual determination of the season opening date of the directed sablefish hook-and-line gear fishery in the GOA. Regulations at 50 CFR 672.23 authorize directed fishing for sablefish with hook-and-line gear in the regulatory areas and districts of the GOA from May 15 through December 31, or until closed by inseason action, whichever occurs earlier. In contrast, the IPHC annually selects the opening dates of the Pacific halibut fishery after considering the variation in tides. The GOA has semidiurnal tides, which have large ranges. For example, on May 15, 1992, the sablefish hook-and-line gear fishery commenced on a tide of maximum range, which resulted in gear losses and related economic costs. NMFS's fixed opening date does not take into account tidal variability and causes gear losses and economic costs when spring tides occur.

NMFS proposes a regulatory amendment that would set the mid-May opening date for the sablefish hook-and-line gear fishery as the date each year upon which the tide has the smallest tidal range. Tides can be measured by calculating the change in feet between consecutive high and low waters, a measurement commonly called the tidal "range." Tides with a large range have been known to cause loss of fishing gear, resulting in "ghost" fishing and economic loss to fishermen. Under the proposed regulatory framework, NMFS would annually specify the sablefish opening date as the day between May 9th and May 22nd upon which the tide with the smallest tidal range occurs. This opening date would be determined from the tide schedules in the publication Tide Tables, published annually by the Department of Commerce, NOAA, and would be published annually in the **Federal Register** by January 1, or as soon as practicable thereafter, for the new fishing year.

NMFS preliminarily concurs with the proposed actions. Implementation of the proposed measures would provide economic benefits to vessels participating in the sablefish hook-and-line gear fishery as gear conflicts, preemption of fishing grounds, and gear losses due to variable tides would be minimized.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has initially determined that this rule is necessary for the conservation and management of the groundfish fishery off Alaska and that it is consistent with the Magnuson Act and other applicable law.

NMFS prepared an EA for this rule that discusses the impact on the environment as a result of this rule. The public may obtain a copy (see ADDRESSES).

NMFS prepared an IRFA that concludes that this proposed rule, if adopted, would have significant effects on small entities. This action is intended to prevent gear conflicts, prevent fishing ground preemptions and diminish economic losses. Based on data from the 1992 sablefish hook-and-line gear fishery in the GOA, 985 vessels could benefit by this action. If 10 percent of the vessels participating in this fishery each deployed one set of gear in advance of the opening this could result in over 130 metric tons of sablefish being taken prior to the opening date. The cost of 10 percent of the vessels deploying gear in advance of the opening could be approximately $334,000 or a potential loss of approximately $370 to each vessel that does not deploy gear in advance of the fishery. This situation creates inequities among those who fish in accordance with regulations and those who do not. In addition, economic losses due to a fixed commencement date of the May season opening date could cause net losses when varying tides occur causing gear conflicts and fish loss to all participants. A copy of this analysis is available (see ADDRESSES).

The Assistant Administrator determined that this rule is not a "'major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the socioeconomic impacts discussed in the EA/RIR/IRFA prepared by NMFS. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule does not include a collection-of-information requirement subject to the Paperwork Reduction Act.

Pursuant to the requirements of the Endangered Species Act (ESA), NMFS has determined that the fisheries as managed by 50 CFR part 672, as would be revised by this proposed rule, will not affect any endangered or threatened species under the ESA in ways not analyzed by previous biological opinions and informal consultations.

NMFS has determined that this rule would be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under Section 307 of the Coastal Zone Management Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements

Dated: March 26, 1993.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 672 is proposed to be amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for 50 CFR part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 672.7, paragraph (k) is added to read as follows.

§ 672.7 Prohibitions.

* * * * *

(k) Engage in directed fishing for sablefish with hook-and-line gear from a vessel that was used to deploy hook-and-line gear within 72 hours prior to the opening of the sablefish hook-and-line directed fishery.

3. In § 672.23, paragraph (c) is revised to read as follows:

§ 672.23 Seasons.

* * * * *

(c) The opening date for the directed fishing season for sablefish with hook-and-line gear in the Gulf of Alaska will be the calendar day from May 9 through May 22 upon which the tide with the smallest tidal range occurs. For purposes of this paragraph, tidal range means the change, measured in feet and inches, between consecutive high and low waters. The directed fishery will remain open through December 31 subject to other provisions of this part. The opening date will be determined from the tide schedules in the annual publication Tide Tables published by

the Department of Commerce, NOAA. By January 1, or as soon as practicable thereafter, of each year, NMFS will publish a notice in the **Federal Register** announcing this date for the new fishing year.

* * * * *

[FR Doc. 93–7576 Filed 3–29–93; 2:40 pm]

BILLING CODE 3510–22–M

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50 CFR Parts 672 and 675

[Docket No. 930–232–3032]

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes four regulatory amendments applicable to the groundfish fisheries off Alaska. These amendments would revise the existing definition of a pelagic trawl; implement a performance standard for trawls, which would be in effect whenever directed fishing for groundfish with non-pelagic trawls is prohibited; implement a definition of a non-pelagic trawl; and revise a directed fishing standard associated with trawl gear when directed fishing with non-pelagic trawls is prohibited. These measures are necessary to address management concerns in the groundfish fisheries. They are intended to promote the goals and objectives of the North Pacific Fishery Management Council with respect to groundfish management off Alaska.

DATES: Comments must be received by April 30, 1993.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained from the same address. Comments on the environmental assessment are particularly requested.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Chief, Fisheries Management Division, NMFS, 907–586–7230.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Gulf of Alaska and Bering Sea and Aleutian Islands Area is managed by the Secretary of Commerce (Secretary) according to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska and the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. These FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to U.S. fisheries are implemented at 50 CFR part 620.

At times, amendments to regulations at 50 CFR parts 672 and 675 are necessary for conservation and management of the groundfish fisheries. Regulatory amendments proposed by this action would implement the following four changes to regulations: (1) The existing definition of a pelagic trawl in §§ 672.2 and 675.2 would be revised; (2) §§ 672.7 and 675.7 would be revised to prohibit the catch of 20 or more crabs when fishing for groundfish with trawl gear whenever directed fishing for groundfish with non-pelagic trawls is prohibited; (3) §§ 672.2 and 675.2 would be amended by adding a definition of a non-pelagic trawl; and (4) §§ 672.20(g)(3) and 675.20(h)(1) would be revised such that the directed fishing standard would apply only when fishing by vessels using non-pelagic trawl gear is prohibited.

A description of, and reasons for, each of these measures follows.

Revision of the Pelagic Trawl Definition

NMFS has implemented several bycatch management measures in the Gulf of Alaska and in the Bering Sea and Aleutian Islands groundfish trawl fisheries to minimize the catch of halibut and crab, which are designated as prohibited species in the groundfish fisheries. One measure prohibits the use of non-pelagic trawls while allowing the use of pelagic trawls when certain prohibited species catch (PSC) allowances of halibut or crab have been caught as bycatch. This measure depends on the differences in the configurations of pelagic trawls and non-pelagic trawls.

The existing definition of a pelagic trawl in §§ 672.2 and 675.2 initially was implemented through an emergency rule (55 FR 33715, August 17, 1990) under Magnuson Act section 305(c) and then as a final regulation (56 FR 2700, January 24, 1991) as a management tool to allow directed fishing for pollock by vessels using pelagic trawl gear. Reasons for the pelagic trawl definition are contained in the EA/RIR reviews and the regulatory preambles for both rulemakings. These reasons are summarized here. The proposed rule published at 55 FR 38347, September 18, 1990, stated that a former definition of a pelagic trawl contained a measure that was intended to prohibit parts of the pelagic trawl from contacting the seabed. This measure was intended to minimize bycatches of halibut and crab. NMFS provided testimony to the Council that such a prohibition could not be enforced. In meetings with industry representatives, NMFS sought to determine how a pelagic trawl was constructed to determine if the pelagic trawl definition could be improved for enforcement purposes. Fishing industry representatives emphasized that pelagic trawls were constructed to reduce drag during fishing operations by using large mesh openings or parallel lines behind the trawl opening. Mesh openings of at least one meter (3.3 feet) or parallel lines that are at least one meter apart accomplish the objective of reducing drag, but also result in reduced bycatch of halibut and crab. These animals, upon passing over the foot rope and into the trawl, are believed to escape through the large meshes or between the parallel lines. The large mesh sizes or parallel lines in back of the fishing line provide escape panels for halibut and crab in case the pelagic trawl contacts or comes near the seabed, resulting in reduced bycatches of halibut and crab. Historical joint venture data provided evidence that halibut and crab bycatches were minimal when using trawls of this type, because these animals were able to escape the pelagic trawl through the large meshes upon passing over the foot rope. Requiring 12-inch spacing around the net circumference instead of just the belly panel prevented a fisherman from circumventing the purpose of the rule by fishing a net upside down. When bycatch PSC allowances of halibut or crab were reached, closure notices stipulated that further trawling with trawls other than pelagic trawls were prohibited. Industry sources indicated to NMFS when the rule was being developed that most pelagic trawls purchased within the last ten years for use in the BSAI conformed to the definition. Trawl fishermen have been using these trawls for mid-water trawling, because the larger meshes reduce drag for the towing vessel.

NMFS fishery information continues to demonstrate that very small bycatches of halibut and crab occur when pelagic trawls are used, compared to much higher bycatch proportions when non-pelagic trawls are used. The existing definition of a pelagic trawl in

§§ 672.2 and 675.2 continues to depict a pelagic trawl configuration. The definition prohibits the use of discs, bobbins, rollers, or other chafe protection gear attached to the foot rope. It also requires very large mesh, or parallel ropes, aft of the fishing line for a length of several meshes.

During the 1991 and 1992 fisheries, some fishermen were able to defeat the purpose of the pelagic trawl definition by reconfiguring a trawl in such a way that it met the definition of a pelagic trawl, but functioned as a non-pelagic trawl. Other fishermen apparently were able to fish a pelagic trawl for certain groundfish species (e.g., large-sized pollock), which are found close to the sea bed, and which normally would be caught with non-pelagic trawls. As a result, bycatches of halibut and crab were higher than anticipated even when directed fishing with non-pelagic trawl gear was prohibited.

Associated with the pelagic trawl definition is the definition of a fishing line, which reads: "Fishing line means a length of chain or wire rope in the bottom front end of a trawl to which the webbing or lead ropes are attached".

Fishermen have been able to defeat this definition merely by attaching parallel lines to the front of an existing non-pelagic trawl, resulting in a configuration that meets the definition of a pelagic trawl with parallel lines. Once a line is no longer in front, it is no longer a fishing line by definition.

Also, associated with the fishing line is the foot rope, which is defined as follows: "Footrope means chain or wire rope attached to the bottom front end of a trawl and attached to the fishing line."

Again, once a rope is further back in the belly of a reconfigured non-pelagic trawl, it is no longer a foot rope by definition. When these reconfigured trawls are deployed in close proximity to the sea bed to trawl for groundfish species that normally are caught with non-pelagic trawls, high bycatch rates of Pacific halibut and crab have resulted, defeating the purpose of regulations intended to minimize bycatches of halibut and crab.

The Council considered this issue at the April 1992 meeting. It reviewed recommendations from industry representatives for revising the current pelagic trawl definition. The industry representatives sought to describe a pelagic trawl in such a way that fishermen would not be able to defeat the definition by simply re-configuring a trawl to meet the pelagic trawl definition and then fish it as a non-pelagic trawl. The underlying objective is to reduce halibut and trawl bycatches by discouraging or preventing trawl operations on the sea bed when halibut and crab PSC allowances have been reached. The "trawl performance standard," as described below, is a means to accomplish this objective. NMFS believes such a measure would not be effective unless impartial persons are on board to observe the catches. A physical definition of a pelagic trawl is still necessary to enforce closures to non-pelagic trawls.

Based on industry recommendations, the Council adopted a revision to the pelagic trawl definition. Salient parts of this definition prohibit trawl parts and configurations that typically are not found on a pelagic trawl. NMFS proposes the definition to facilitate enforcement and prosecution of violations. Should a trawl fail any part of the definition, the vessel operator is in violation of the regulations. The following explains the purpose of each part of the definition.

A pelagic trawl must not have discs, bobbins, or rollers, and must not have chafe protection gear attached to the foot rope or fishing line. These parts would be prohibited, because they typically are found only on non-pelagic trawls.

A pelagic trawl, other than a rope trawl, must not have mesh tied to the fishing line, head rope, and breast lines with less than 20 inches (50.8 cm) between knots, and must not have stretched mesh sizes of less than 60 inches (152.4 cm) extending aft from all points on the fishing line, head rope, and breast lines past the fishing circle for a distance equal to or greater than one-half the vessel's length overall.

A pelagic trawl configured as a rope trawl (i.e., having a series of parallel ropes in the front end of the trawl) must not have parallel lines spaced closer than 64 inches (162.6 cm), starting at all points on the fishing line, head rope, and breast lines and extending aft of the fishing circle. Furthermore, meshes aft of the parallel ropes must meet the same minimum mesh size requirement as required by the above paragraph (i.e., no less than 60 inches (152.4 cm) for a distance of one-half the vessel's length overall).

Aft of the minimum 60-inch (152.4-cm) mesh size described above, a pelagic trawl must not have stretched mesh sizes less than 15 inches (38.1 cm) for a distance equal to or greater than one-half the vessel's length overall. A pelagic trawl must not have any configuration intended to reduce the stretched mesh sizes described above.

NMFS understands that all pelagic trawls used in the Alaska groundfish fisheries already meet these large mesh/parallel line spacing requirements. Historical and current NMFS catch data show that pelagic trawls with large meshes and widely spaced parallel lines result in low bycatches of crab and halibut. Maintaining the minimum size requirement for these large meshes and widely spaced parallel lines is a major part of the pelagic trawl definition.

A pelagic trawl must not have flotation other than floats capable of providing up to 200 pounds (90.7 kg) of buoyancy to accommodate the use of a net-sonde device. NMFS understands that the doors (otter boards) used when deploying pelagic trawls keep the mouth of the trawl open and that floats are not necessary for this purpose. However, net-sonde devices normally used with all trawls must have some flotation capable of maintaining the upward position of the device to allow it to measure bottom depths correctly. The maximum weights of such devices indicate that as much as 200 pounds (90.7 kg) of flotation may be required for net-sonde devices to perform as intended. At its September 1992 meeting, the Council recommended that the phrase "* * * and/or lifting devices (e.g., kites or floats)" be deleted from the proposed definition. Some industry representatives have requested that NMFS allow kites or floats to allow operation of large trawls in shallow water. When large trawls operate in shallow water, fishermen may not be able to use midwater trawl doors to keep the trawl mouth open, thereby necessitating the use of lifting devices (e.g., kites or floats). NMFS proposes to prohibit kites or floats other than 200 pounds (90.7 kg) of flotation to accommodate a net-sonde, but specifically requests comments on this issue.

A pelagic trawl must not have more than one fishing line and one foot rope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle. The purpose of this description is to prohibit fishermen from adding many weighted lines and thus causing the trawl to be suitable for fishing for groundfish species normally caught with non-pelagic trawls. NMFS is considering defining a "weighted line," and requests information from the public about materials and means used to weight lines for use with trawl gear.

A pelagic trawl must not have metallic components except for connectors (e.g., hammerlocks or swivels) and net-sonde devices aft of the fishing circle and forward of any mesh greater than 5.5 inches (14.0 cm) stretched measure. The purpose of this description is to prevent fishermen from attaching parallel lines to a non-pelagic

trawl, which would result in a non-pelagic trawl's fishing line, which is a metal component made of heavy chain or wire rope, being further back in the belly of a trawl, thereby allowing fishermen to defeat the definition by simply reconfiguring a non-pelagic trawl to meet the pelagic trawl definition and then fish it as a non-pelagic trawl. This was the practice early in 1992 that resulted in the Council's decision to revise the pelagic trawl definition.

A pelagic trawl may have small mesh within 32 feet (9.8 m) of the center of the head rope as needed for attaching instrumentation (e.g., net-sonde device). Although an allowance for small mesh is inconsistent with the large mesh descriptions of the definition, the industry contends that secure attachment of instrumentation requires small meshes.

Finally, a pelagic trawl may have weights on the wing tips. NMFS understands that all trawls, including pelagic trawls, must have weights on the wing tips for proper deployment. This description in the definition is not necessary, but NMFS recognizes that the Council included it to underscore the necessity of weights on the wing tips.

The Council's recommended revised pelagic trawl definition addresses the weaknesses identified with the existing definition. NMFS concurs with the Council's recommendation and proposes to revise the pelagic trawl definition. For purposes of clarity, NMFS has modified the wording of the definition in this rule from the exact language adopted by the Council. These modifications are intended to conform to the Council's intent.

Trawl Performance Standard

Fishermen who use pelagic trawls in midwater fisheries catch very small amounts of bottom dwelling (benthic) life forms other than free swimming fish. Fishermen who use non-pelagic trawls, or who fish with pelagic trawls for pollock on or near the sea bed, catch large amounts of benthic life forms. NMFS observer reports show these life forms are usually Tanner crabs. Therefore, the presence of crabs in trawl catches is assumed to be the result of fishermen deploying pelagic trawls on the sea bed.

When pelagic trawls are used in midwater pollock fisheries, catches of crabs occur in very small numbers. In 1991, for example, 11,344 of 14,624 observed hauls (78 percent) on vessels using pelagic trawl gear caught zero crabs. These operations, which caught no crabs, caught 642,111 metric tons (mt) of groundfish (see Appendix 2 of the EA/RIR/IRFA prepared for this action). These results show that large groundfish catches can occur without catching Tanner crabs.

Fishermen might avoid catching Tanner crabs simply by adjusting fishing practices to avoid fishing on the sea bed. If so, the intent of the Council's revised pelagic trawl definition would be promoted. At its December 8–13, 1992, meeting, the Council reviewed NMFS data about numbers of crabs that are caught by vessels using pelagic trawls to determine a number that might represent a reasonable performance standard to accompany a pelagic trawl definition.

NMFS analyzed numbers of crabs in 1991 trawl catches that were attributed to pelagic trawls. In doing so, NMFS first examined bycatch rates of halibut that were caught during 1991 by vessels using trawl gear. These rates, shown in Appendix 2 of the EA/RIR/IRFA, show a significant increase when the bycatch rate (numbers of crab/mt of groundfish) changes from 0.0012 to 0.0024. This represents a 100-percent increase. The 0.0012 bycatch rate equates to the 0.1 percent value used in the Vessel Incentive Program. Under the program, vessel operators are subject to a violation if the ratio of halibut to groundfish catches by a vessel participating in the midwater trawl fishery exceeds 0.1 percent as contained in procedures in § 675.26(d)(2)(v)(C). A habibut bycatch rate greater than 0.1 percent is a violation of the Vessel Incentive Program.

NMFS analyzed the number of crabs associated with this proportion. The 1991 observer data show that when the halibut bycatch rate doubled from 0.0012 to 0.0024, the number of crabs increased to 20 animals or more per groundfish haul. Therefore, NMFS considers the presence of 20 crabs or more in a haul or on board a vessel to have resulted from a vessel operating a trawl on the sea bed.

After reviewing the NMFS bycatch data, the Council agreed that a catch of fewer than 20 crabs might be expected when a pelagic trawl is deployed correctly, but that a catch of 20 or more crabs likely was the result of operating a trawl on the sea bed. Therefore, the Council recommended defining as a violation the possession of 20 or more crabs when caught by trawl gear when directed fishing with non-pelagic trawl gear is prohibited.

Further, the Council recommended that the actual number of crabs be frameworked in such a way that it could be changed from the present number of 20 crabs to some other number if information warranted the change. The purpose of the Council's recommendation was to avoid the lengthy rulemaking process when regulations are amended.

NMFS concurs with the Council's recommendation to prohibit the possession of 20 or more crabs by the operator of a vessel using trawl gear when directed fishing with non-pelagic trawls is prohibited. With respect to proposing a measure to framework the actual number of crabs, NMFS notes that the purpose of the proposed performance standard of 20 crabs is to encourage fishermen to deploy their pelagic trawl gear with the objective of catching zero crabs. A zero crab bycatch will be associated with a reduced halibut bycatch as well. Therefore, NMFS is not proposing to framework this measure, but encourages the Council to review the performance standard at any time and recommend changes as necessary. NMFS intends to use the best available information with respect to this measure and make changes as necessary for purposes of conservation and management of the fishery.

Definition of a Non-Pelagic Trawl

A non-pelagic trawl is not defined in the existing regulations, even though "non-pelagic trawl" is referenced in regulatory text in 50 CFR parts 672 and 675. NMFS proposes to amend §§ 672.2 and 675.2 to define a non-pelagic trawl to mean a trawl other than a pelagic trawl.

Directed Fishing Closures

Under current regulations, directed fishing for a groundfish target fishery category is prohibited under § 672.20(c)(2) or § 675.20(a)(8), because a directed fishery allowance has been reached. Fishermen who use pelagic trawl gear are prohibited from retaining aggregate amounts of groundfish species for which a directed fishing closure applies in amounts equal to or greater than 7 percent. In contrast, fishermen who use non-pelagic trawl gear are prohibited from retaining groundfish in amounts equal to or greater than 20 percent. NMFS did not intend to constrain pelagic fishermen in this manner.

Therefore, NMFS proposes to amend the regulations establishing the 7-percent standard (at §§ 672.20(g) and 675.20(h)(1)) so that the 7-percent standard will not apply during directed fishing closures under §§ 672.20(c)(2) or 675.20(a)(8). Under the proposed regulations, the 7-percent standard would apply only when trawling for goundfish other than pollock with pelagic gear has been prohibited (under

§§ 672.20(f)(1) and 675.21(c)) because a halibut or crab limit is about to be reached. Furthermore, the current standard can be used only if the fish on board were harvested by "pelagic trawl," which may be difficult to prove. To ease enforcement, the revised standard deletes the word "pelagic", so the standard is applied by counting all retained groundfish harvested by trawl gear during a trip.

Other Changes

NMFS proposes to remove figures 2 and 3 to part 672 and figures 4 and 5 in part 675. These figures do not accurately depict a pelagic trawl and serve no useful purpose.

Classification

The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) has determined that this rule is necessary for the conservation and management of the groundfish fishery off Alaska and that it is consistent with the Magnuson Act and other applicable laws.

The Alaska Region, NMFS, prepared an EA for this rule that describes the impact on the human environment that would occur as a result of its implementation. A copy of the EA may be obtained (see **ADDRESSES**).

The Assistant Administrator initially determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Based on the socioeconomic impacts discussed in the EA/RIR/IRFA prepared by the Alaska Region, NMFS concludes that none of the proposed measures in this rule would cause impacts considered significant for purposes of the E.O.

The Alaska Region, NMFS, prepared an initial regulatory flexibility analysis as part of the EA/RIR/IRFA for this proposed rule that describes its economic impact on small entities, if adopted. A summary of the IRFA follows:

(1) The revision to the pelagic trawl definition is superior to the current definition, because fishermen will not easily be able to reconfigure pelagic trawls for purposes of fishing in close proximity to the sea bed for groundfish species normally caught with non-pelagic trawls;

(2) The performance standard prohibiting the catch of a crab in a trawl when non-pelagic trawl gear is prohibited is superior to the status quo, because it minimizes the importance of the physical pelagic trawl definition, and will discourage fishermen from fishing a pelagic trawl as they would a non-pelagic trawl;

(3) The newly proposed definition of a non-pelagic trawl is superior to the status quo, because it is needed to improve the effectiveness of regulations; and

(4) The application of the directed fishing standard of 7 percent is superior to the status quo, because it will apply only to situations when the use of non-pelagic trawls has been prohibited, promoting the intent of this particular directed fishing standard.

NMFS has determined that fishing conducted under the FMPs and this rule will not affect endangered or threatened species. Therefore, formal consultation pursuant to section 7 of the Endangered Species Act is not required for the implementation of this rule.

This rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

NMFS has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under E.O. 12612.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: March 26, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 672.2, definitions of "fishing circle", "non-pelagic trawl", "stretched mesh size", and "wing tip" are added in alphabetical order and the definition of "pelagic trawl" is revised to read as follows:

§ 672.2 Definitions.

* * * * *

Fishing circle means the circumference of a trawl intersecting the center point on a fishing line, and that is perpendicular to the long axis of a trawl.

* * * * *

Non-pelagic trawl means a trawl other than a pelagic trawl. * * *

Pelagic trawl means a trawl that:

(1) Has no discs, bobbins, or rollers;

(2) Has no chafe protection gear attached to the foot rope or fishing line;

(3) Except for the small mesh allowed under paragraph (9) of this definition:

(i) Has no mesh tied to the fishing line, head rope, and breast lines with less than 20 inches (50.8 cm) between knots, and has no stretched mesh size of less than 60 inches (152.4 cm) aft from all points on the fishing line, head rope, and breast lines and extending past the fishing circle for a distance equal to or greater than one-half the vessel's length overall; or

(ii) Has no parallel lines spaced closer than 64 inches (162.6 cm), from all points on the fishing line, head rope, and breast lines and extending aft to a section of mesh, with no stretched mesh size of less than 60 inches (152.4 cm), extending aft for a distance equal to or greater than one-half the vessel's length overall;

(4) Has no stretched mesh size less than 15 inches (38.1 cm) aft of the mesh described in paragraph (3) of this definition for a distance equal to or greater than one-half the vessel's length overall;

(5) Contains no configuration intended to reduce the stretched mesh sizes described in paragraphs (3) and (4) of this definition;

(6) Has no flotation other than floats capable of providing up to 200 pounds (90.7 kg) of buoyancy to accommodate the use of a net-sonde device;

(7) Has no more than one fishing line and one foot rope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and fishing circle;

(8) Has no metallic component except for connectors (e.g., hammerlocks or swivels) or net-sonde device aft of the fishing circle and forward of any mesh greater than 5.5 inches (14.0 cm) stretched measure;

(9) May have small mesh within 32 feet (9.8 m) of the center of the head

rope as needed for attaching instrumentation (e.g., net-sonde device); and

(10) May have weights on the wing tips.

* * * * *

Stretched mesh size means the distance between opposite knots of a four-sided mesh when opposite knots are pulled tautly to remove slack.

* * * * *

Wing tip means the point where adjacent breast lines intersect or where a breast line intersects with the fishing line.

3. In § 672.7, paragraph (k) is added to read as follows:

§ 672.7 Prohibitions.

* * * * *

(k) Have on board, at any particular time, 20 or more of any crab species caught with trawl gear when directed fishing for groundfish with non-pelagic trawl gear is prohibited under § 672.20(f)(1).

4. In § 672.20, paragraph (g)(3) is revised to read as follows:

§ 672.20 General limitations.

* * * * *

(g) * * *

(3) *Using trawl gear when directed fishing with non-pelagic trawl gear is prohibited.* The operator of a vessel is engaged in directed fishing for groundfish species or species groups in violation of a notice issued under paragraph (f)(1) of this section, if the operator retains at any time during a trip an aggregate amount of these groundfish species or species groups caught with trawl gear equal to or greater than 7 percent of the amount of other fish or fish products, in round-weight equivalents, retained on the vessel at the same time during the same trip.

* * * * *

5. In § 672.24, paragraphs (d)(1) introductory text and (d)(2) introductory text are revised to read as follows:

§ 672.24 Gear limitations.

* * * * *

(d) * * *

(1) No person may trawl in waters of the EEZ within the following areas in the vicinity of Kodiak Island (see Figure 2, Area Type I) from a vessel having any trawl other than a pelagic trawl either attached or on board:

* * * * *

(2) From February 15 to June 15, no person may trawl in waters of the EEZ within the following areas in the vicinity of Kodiak Island (see Figure 2, Area Type II) from a vessel having any trawl other than a pelagic trawl either attached or on board:

* * * * *

6. Figures 2 and 3 are removed from part 672 and Figure 4 is redesignated as Figure 2 to the part.

PART 675—GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

7. The authority citation for part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

8. In § 675.2, definitions of "fishing circle", "non-pelagic trawl", "stretched mesh size", and "wing tip" are added in alphabetical order, and the definition of "pelagic trawl" is revised to read as follows:

§ 675.2 Definitions.

* * * * *

Fishing circle means the circumference of a trawl intersecting the center point on a fishing line, and that is perpendicular to the long axis of a trawl.

* * * * *

Non-pelagic trawl means a trawl other than a pelagic trawl.

* * * * *

Pelagic trawl means a pelagic trawl as defined in § 672.2 of this chapter.

* * * * *

Stretched mesh size means the distance between opposite knots of a four-sided mesh when opposite knots are pulled tautly to remove slack.

* * * * *

Wing tip means the point where adjacent breast lines intersect or where a breast line intersects with the fishing line.

9. In § 675.7, paragraph (m) is added to read as follows:

§ 675.7 Prohibitions.

* * * * *

(m) Catch 20 or more of any crab species at any particular time with trawl gear when directed fishing for groundfish with non-pelagic trawl gear is prohibited under §§ 675.20(h)(1) or 675.24(c)(2).

10. In § 675.20, paragraph (h)(1) is revised to read as follows:

§ 675.20 General limitations.

* * * * *

(h) * * *

(1) *Using trawl gear when directed fishing with non-pelagic trawl gear is prohibited.* The operator of a vessel is engaged in directed fishing for groundfish species or species groups in violation of a notice issued under § 675.21(c)of this part, if the operator retains at any time during a trip an aggregate amount of these groundfish species or species groups caught with trawl gear equal to or greater than 7 percent of the amount of other fish or fish products, in round-weight equivalents, retained on the vessel at the same time during the same trip.

* * * * *

11. Figures 4 and 5 are removed from part 675.

[FR Doc. 93–7509 Filed 3–31–93; 8:45 am]

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50 CFR Part 675

[Docket No. 930350–3050]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to delay the opening of the second (non-roe) directed fishing season for pollock in the Bering Sea and Aleutian Islands Area (BSAI) from June 1 to August 15 of each fishing year. This action is necessary to achieve increased revenues from the harvest of BSAI pollock during the non-roe season. The proposed season delay also would provide participants in the pollock fishery increased opportunities to fish in other groundfish fisheries and to develop salmon processing capabilities during summer months. This action is intended to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to groundfish management off Alaska.

DATES: Comments must be received at the following address no later than 4:30 p.m., Alaska local time (A.l.t.), April 16, 1993.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, Box 21668, Juneau, AK 99802, Attention: Lori Gravel. Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) prepared for the proposed action may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (telephone 907–271–2809).

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fisheries Management Division, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone of the BSAI are managed by the Secretary of Commerce (Secretary) in accordance with the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP). The FMP was prepared by the Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations appearing at 50 CFR 611.93 for the foreign fishery and 50 CFR part 675 for the U.S. fishery. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

Under regulations at § 675.20(a)(2)(ii), the initial total allowable catch (TAC) amounts specified for pollock in the Bering Sea, Aleutian Islands, and Bogoslof subareas are divided into two seasonal allowances. Subject to other regulatory provisions, the first seasonal allowance is available for directed fishing from January 1 until noon A.l.t., April 15 (the "roe" or "A" season). The second seasonal allowance is available for directed fishing from noon, A.l.t., June 1 through the end of the fishing year (the "non-roe" or "B" season). NMFS annually apportions the initial pollock TACs between the roe and non-roe seasons after consultation with the Council during the annual groundfish TAC specification process set forth at § 675.20(a).

During its April 1992 meeting, the Council requested that a draft EA/RIR/IRFA be prepared to analyze alternatives for delaying the June 1 opening date of the pollock "B" season. Alternative opening dates considered by the Council included July 1, August 1, and September 1. A draft analysis was prepared under the National Environmental Policy Act (NEPA), E.O. 12291, the Regulatory Flexibility Act, and NOAA policy. The Council reviewed this document at its September 1992 meeting and decided to send the analysis to the public for review. At its December 8–13, 1992, meeting, the Council considered the testimony and recommendations of its Advisory Panel (AP), Scientific and Statistical Committee (SSC), Plan Teams, fishing industry representatives, and the public on alternative dates for the start of the pollock "B" season. For the reasons given below, the Council determined that delaying the "B" season opening date to August 15 would provide the most benefit to the fishing industry and recommended that NMFS prepare a proposed rule delaying the opening of the pollock "B" season until this date. Subject to approval by NMFS, this action is scheduled to be effective prior to June 1, 1993, so that benefits that accrue to the fishing industry under the proposed action could be realized during the 1993 fishing year.

The proposed delay of the pollock "B" season is intended to increase the value of the pollock harvested during the non-roe season by delaying the directed fishery for pollock until pollock flesh quality and product recovery rates are improved. The proposed delay also is intended to provide participants in the pollock fishery increased opportunities to fish in other groundfish fisheries and to develop salmon processing capabilities during summer months.

Section 14.3 of the FMP requires that the Council consider the following criteria when recommending a regulatory amendment to change season opening dates: biological, bycatch, exvessel and wholesale prices, product quality, safety, cost, other fisheries, coordinated season timing, enforcement and management costs, and allocation effects. The EA/RIR/IRFA prepared for this action addresses anticipated effects of the proposed delay relative to these criteria. The following discussion summaries these effects relative to how the Council's objectives for a "B" season delay are met under the proposed action.

Increased Product Recovery and Quality

Information presented in the EA/RIR/IRFA prepared for the proposed action indicates most pollock processors would not change the mix of products under a delayed pollock "B" season. However, a delayed season would allow for an increase in pollock product yield and an associated increase in weight of product produced per metric ton (mt) of round pollock. For any given "B" season pollock allowance, a delay in the season date from June 1 to August 15 likely would yield an increase in total production amounts. This effect is anticipated because product yield tends to continue to increase through summer months until that time before the following spawning season (January–March).

In the EA/RIR/IRFA prepared for this proposed action, a fishery simulation model was used by analysts to estimate the increase in total pollock product weight and value that would result during the next 3-year period (1993–1995). Based on assumptions derived from the 1992 fisheries, an August 15 opening date for the pollock "B" season was estimated to increase the product yield by about 52,000 mt over the next 3-year period. The associated increase in gross revenue was estimated at about $42 million. Furthermore, a delayed pollock season likely would result in relative price increases of pollock products, although the magnitude of these increases could not be quantified.

Reasons for this upward trend include increased product quality, decreased inventory holding costs, and timing surimi sales to coincide with Japanese peak demand in November and December.

Alternative Opportunities for the Pollock Harvesters and Processors

Interest exists within the pollock industry to harvest and process other groundfish species (primarily flatfish and Atka mackerel) during summer months if the pollock "B" season is delayed to August 15. Information does not exist to quantify the amount of new effort in the non-pollock groundfish fisheries or to assess the costs to the existing fleet of increased competition for these species during summer months. However, increased competition for the harvest of available groundfish likely would occur regardless of the starting date of the "B" season, because the open access nature of existing management programs governing these fisheries will continue to exacerbate fleetwide overcapitalization.

A delay of the pollock "B" season and associated shift of fishing effort from this fishery into other groundfish fisheries during summer months could increase chinook salmon and Pacific herring bycatch amounts, and slightly reduce Pacific halibut bycatch amounts, but would have relatively little effect on the bycatch of other prohibited species. Based on results of a fishery bycatch simulation model described in the EA/RIR/IRFA, the associated annual increase in bycatch impact costs of delaying the "B" season opening date to August 15 is estimated at about $450,000. Bycatch impact costs are defined in terms of net present value to the directed fisheries for the sum of foregone crab, halibut, salmon, and herring taken as bycatch in the groundfish fisheries.

A delay of the pollock "B" season to August 15 also would allow pollock processors the opportunity to participate in salmon processing operations during mid-summer months. A shift into salmon processing activities would: (1) Provide new opportunities for pollock processors; (2) offset shortages of salmon processing capacity; (3) increase competition in the salmon processing industry and prices paid to fishermen; and (4) encourage development of new salmon products and markets. Alternatively, the entry of

pollock processors into the salmon processing industry could disrupt traditional onshore salmon processing operations and harm local communities that depend upon onshore processors. At this time, information on which to gauge the potential for such negative effects are speculative and would involve other factors that typically affect the success or failure of traditional salmon processing operations (i.e., annual strength of salmon returns and market effects).

The diversity of the Alaska salmon industry suggests that the potential impact of a "B" season delay to August 15 would vary widely among different regions and species, as well as from year to year. The EA/RIR/IRFA concludes that the most likely potential effects upon different user groups are as follows:

(1) At-sea processors who participate in the pollock "B" season would tend to benefit from additional economic opportunity to process salmon;

(2) Salmon fishermen could benefit, at least in the short term, from additional markets, increased competition that might result in higher exvessel prices, and possible new markets;

(3) Onshore salmon processing operations could face increased competition in the processing sector, which might lead to increased exvessel prices; and

(4) Local Alaska communities might benefit or lose, depending on the net effects of the "B" season delay on fishermen and processors, and the relative economic contribution of each to individual communities.

During its December meeting, the Council considered the above information, along with public input that suggested a delay of the starting date later than August 15 could preempt smaller trawl vessels from fully participating in the "B" season pollock fishery because of adverse weather conditions during early fall months. Given this information, the Council recommended that a delay of the opening date of the "B" season to August 15 would best meet the intent of the Council to increase the value of the pollock harvest during the "B" season and provide for alternative harvesting and processing opportunities during summer months.

NMFS has reviewed the potential effects of the "B" season pollock allowance and the proposed delay of the pollock "B" season on winter foraging success of Steller sea lions. In the past, NMFS has opined that, if commercial fishery removals of pollock are detrimental to sea lion foraging success, this effect would be the most pronounced during the winter season. Steller sea lions are likely to be more nutritionally stressed during winter than summer because of ecological (e.g., reduced food availability) and biological factors (e.g., pregnant females have higher nutritional needs and newly weaned juveniles are less adept foragers).

Under the final 1993 BSAI initial groundfish specifications, the "B" season pollock allowance specified for the Bering Sea subarea is 607,750 mt; seasonal allowances are not specified for either the Aleutian Islands or Bogoslof subareas (58 FR 8703, February 17, 1993). Unharvested portions of the Community Development Quota (CDQ) pollock reserve specified for the Bering Sea subarea also may be taken during the "B" season, although the 1993 CDQ fisheries are not governed under seasonal allowances after the end of the roe season on April 15.

Based on 1992 fishing patterns and given existing levels of harvesting and processing capacity, NMFS anticipates that the portions of the "B" season allowance allocated to the inshore and offshore components will be harvested by mid-October, prior to the winter months. NMFS believes that fishing activities conducted under the proposed action would not result in additional adverse effects on Steller sea lion feeding success. Although the CDQ pollock fishery is not affected directly by the proposed delay in the "B" season, the proposed delay could increase the possibility that the CDQ fishery is prosecuted during winter months after closure of the inshore and offshore fisheries. In a biological opinion prepared for the proposed "B" season delay under section 7 of the Endangered Species Act, NMFS concludes that the possibility of pollock harvests beyond October under the CDQ program may warrant the development of sea lion protection measures for the November–December period that are commensurate with those implemented for the pollock roe season (January–April) at § 675.24(f).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has initially determined that this rule is necessary for the conservation and management of the groundfish fishery off Alaska and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment (EA) for this proposed rule that discusses the impacts on the environment as a result of this rule. A copy of the EA is available from the Council (see **ADDRESSES**).

The Assistant Administrator determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared an initial regulatory flexibility analysis (IRFA) as part of the regulatory impact review, which concludes that this proposed rules, if adopted, would have significant effects on small entities. During 1992, 350 vessels were issued Federal permits to use trawl gear to fish for Alaska groundfish in Federal waters. A substantial number of these vessels are used to fish or process pollock and would be affected by the proposed action to delay the start of the pollock "B" season to August 15. Benefits accrued to the inshore and offshore components of the pollock industry as a result of the proposed delay primarily result from higher flesh quality and product yields, price increases, shifts to higher grade products, and better timing of supply. The offshore fleet additionally benefits due to increased opportunities to fish in other groundfish fisheries and to develop salmon processing capabilities. Increased competition among shorebased and offshore salmon processors may result in an upward pressure on salmon exvessel prices. Non-groundfish on shore processors who process salmon would tend to be negatively affected by increased competition from offshore salmon processors, but any damages incurred may be lessened by the fact that the offshore processors are likely to develop new products and sell them into new markets. Most of these costs and benefits cannot be quantified. Increases in gross revenues due to yield changes alone are estimated to total about $42 million over the next 3 years (1993–1995). Other positive effects cannot be quantified, but in the aggregate, could be substantial in consideration of the amount of pollock harvested in waters off Alaska. Increased prohibited species bycatch impact costs predicted by a bycatch simulation model are minimal with the exception of potential substantial

increases in herring bycatch, with possible adverse impact on the herring quotas and fishermen who participate in a herring fishery. Annual increases in net revenues predicted by the bycatch simulation model (net groundfish revenue ($3.5 million) minus net bycatch impact costs ($450,000)) are estimated at about $3.0 million. A copy of this analysis is available from the Council (see **ADDRESSES**).

This rule does not include a collection-of-information requirement subject to the Paperwork Reduction Act.

NMFS has determined that this rule does not directly affect the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

A formal section 7 consultation under the Endangered Species Act (ESA) was initiated for the proposed rule. The Steller sea lion is listed under the ESA and a biological opinion has been initiated to determine if the fishing activities conducted under the proposed rule are likely to jeopardize their continued existence. In addition, Sacramento River winter-run chinook salmon and Snake River sockeye salmon, fall chinook and spring/summer chinook salmon are listed under the ESA. Coded wire tag recovery data suggest that the ocean distribution of these salmon populations may extend into the Bering Sea. The effect of the proposed action on these listed salmon populations is being evaluated by NMFS. Formal consultation under section 7 of the ESA will be concluded before NMFS takes final action on the proposed rule.

The Regional Director determined that fishing activities conducted under this rule would have no adverse impacts on marine mammals.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: March 26, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 675 is proposed to be amended as follows:

PART 675—GROUDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

The authority citation for 50 CFR part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 675.20, paragraph (a)(2)(ii) is revised to read as follows:

§ 675.20 General limitations.

(a) * * *

(2) * * *

(ii) The TAC of pollock in each subarea will be divided, after subtraction of reserves, into two allowances. The first allowance will be available for directed fishing from January 1 until noon, Alaska local time (A.l.t.), April 15. The second allowance will be available for directed fishing from noon, A.l.t., August 15 through the end of the fishing year. Within any fishing year, unharvested amounts of the first allowance will be added to the second allowance, and harvests in excess of the first allowance will be deducted from the second allowance.

* * * * *

3. In § 675.23, paragraph (a) is revised and paragraph (e) is added to read as follows:

§ 675.23 Seasons.

(a) Fishing for groundfish in the subareas and statistical areas of the Bering Sea and Aleutian Islands is authorized from 00:01 a.m., Alaska local time (A.l.t.), on January 1, through 12 midnight, A.l.t., December 31, subject to the other provisions of this part, except as provided in paragraphs (c) through (e) of this section.

* * * * *

(e) *Directed fishing for pollock.* Subject to other provisions of this part, directed fishing for pollock by the inshore and offshore components, defined at § 675.2 of this part, is authorized from January 1 until noon, A.l.t., April 15, and from noon, A.l.t., August 15 through the end of the fishing year. Directed fishing for pollock under the Western Alaska Community Development Quota Program at § 675.27 of this part is authorized from January 1 through the end of the fishing year, subject to other provisions of this part.

[FR Doc. 93–7510 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 61
Thursday, April 1, 1993

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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Notice of Public Meeting

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the meeting of the Committee on Rulemaking of the Administrative Conference of the United States.

DATES: Friday, April 23, 1993 at 9 a.m.

LOCATION: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037 (Library, 5th Floor).

FOR FURTHER INFORMATION CONTACT: Kevin L. Jessar, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037. Telephone: 202–254–7020.

SUPPLEMENTARY INFORMATION: The Committee will meet to further discuss a report by Jerry Mashaw on improving the environment of agency rulemaking. Attendance at the committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: March 25, 1993.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 93–7474 Filed 3–31–93; 8:45 am]

BILLING CODE 6110–01–W

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Invitation To Serve On Federal Grain Inspection Service Advisory Committee

Under authority of section 20 of the United States Grain Standards Act (Act), the Secretary of Agriculture established the Federal Grain Inspection Service (FGIS) Advisory Committee (Advisory Committee) on September 29, 1981, to provide advice to the FGIS Administrator on implementation of the Act. Public Law 100–518 extended the authority for the Advisory Committee through September 30, 1993.

The Advisory Committee presently consists of 15 members, appointed by the Secretary, who represent the interests of grain producers, processors, handlers, merchandisers, consumers, and exporters, including scientists with expertise in research related to the policies in section 2 of the Act. Members of the Committee serve without compensation. They are reimbursed for travel expenses, including per diem in lieu of subsistence, for travel away from their homes or regular places of business in performance of Committee service, as authorized under section 5703 of title 5, United States Code. Alternatively, travel expenses may be paid by Committee members.

Nominations are being sought for persons to serve on the Advisory Committee to replace the five members and four alternative members whose terms expire in April 1993.

Persons interested in serving on the Advisory Committee, or in nominating individuals to serve, should contact: David R. Galliart, Acting Administrator, FGIS, Room 1094–S, P.O. Box 96454, Washington, DC 20090–6454, in writing and request Form AD–755, which must be completed and submitted to the Administrator at the above address not later than June 1, 1993.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, or marital status.

The final selection of Advisory Committee members and alternates will be made by the Secretary.

Dated: March 26, 1993.

David R. Galliart,

Acting Administrator.

[FR Doc. 93–7602 Filed 3–31–93; 8:45 am]

BILLING CODE 3410–EN–M

Forest Service

Newberry National Monument Advisory Council Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Newberry National Volcanic Monument Commission meeting.

SUMMARY: The Newberry National Volcanic Monument Advisory Council will meet on April 15 and 16 at Lava Lands Visitor Center, 10 miles south of Bend, Oregon, just off Highway 97. The meeting will begin at 9:00 a.m. and continue until 4:00 p.m. In the event of bad weather, the meeting will move to the Bend/Fort Rock Ranger District Office, 1230 NE. 3rd. St. in Bend. Agenda items to be covered include: issues and alternatives for management, public involvement, and desired future condition for the Monument.

Interested members of the public are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Carolyn Wisdom, Project Coordinator, Fort Rock Ranger District USFS, 1230 NE. 3rd, Bend, OR 97701, (503) 383–4702 or 383–4704.

Dated: March 22, 1993.

Sally Collins,

Deputy Forest Supervisor, Deschutes National Forest.

[FR Doc. 93–7347 Filed 3–31–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Toby Tubby Creek Watershed, MS; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (7 CFR part 650); U.S. Department of Agriculture, gives notice that an environmental impact statement is not

being prepared for Toby Tubby Creek Watershed, Lafayette County, Mississippi.

FOR FURTHER INFORMATION CONTACT: L. Pete Heard, State Conservationist, Soil Conservation Service, suite 1321, Dr. A. H. McCoy Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone (601) 965–5205.

SUPPLEMENTARY INFORMATION: An environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, L. Pete Heard, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project. The project plan is for urban flood protection and stabilization of existing channels in the predominantly urban portion of the watershed. The planned works of improvement include approximately 2.5 miles of rock lined urban channel, six bridge/culvert replacements, rehabilitation of two floodwater retarding structures and installation of land treatment measures.

Planned measures will be installed by the Soil Conservation Service as a component of the Yazoo Basin Demonstration Erosion Control Project.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. The Watershed Plan and Environmental Assessment is on file and may be reviewed by contacting L. Pete Heard.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: March 18, 1993.

L. Pete Heard,

State Conservationist, SCS, Jackson, Mississippi.

[FR Doc. 93–7565 Filed 3–31–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Quota Cheese

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Publication of quarterly update to annual listing of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–0983 or 482–2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA.

Dated: March 25, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS

Country	Program(s)	Gross[1] subsidy	Net[2] subsidy
Belgium	European Community (EC) restitution payments	45.6¢/lb.	45.6¢/lb.
Canada	Export assistance on certain types of cheese-	27.3¢/lb.	27.3¢/lb.
Denmark	EC restitution payments	57.4¢/lb.	57.4¢/lb.
Finland	Export subsidy	123.9¢/lb.	123.9¢/lb.
France	EC restitution payments	59.9¢/lb.	59.9¢/lb.
Germany	EC restitution payments	56.6¢/lb.	56.6¢/lb.
Greece	EC restitution payments	63.5¢/lb.	63.5¢/lb.
Ireland	EC restitution payments	62.1¢/lb.	62.1¢/lb.
Italy	EC restitution payments	59.3¢/lb.	59.3¢/lb.
Luxembourg	EC restitution payments	45.6¢/lb.	45.6¢/lb.
Netherlands	EC restitution payments	47.8¢/lb.	47.8¢/lb.
Norway	Indirect (milk) subsidy	17.5¢/lb.	17.5¢/lb.
	Consumer subsidy	38.9¢/lb.	38.9¢/lb.
		56.4¢/lb.	56.4¢/lb.
Portugal	EC restitution payments	43.6¢/lb.	43.6¢/lb.
Spain	EC restitution payments	43.8¢/lb.	43.8¢/lb.
Switzerland	Deficiency payments	168.1¢/lb.	168.1¢/lb.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS—Continued

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
U.K.	EC restitution payments	39.7¢/lb.	39.7¢/lb.

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 93-7461 Filed 3-31-93; 8:45 am]
BILLING CODE 3510-DS-M

[C-333-601]

Certain Fresh Cut Flowers from Peru; Intent to Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on certain fresh cut flowers from Peru. Interested parties who object to this revocation must submit their comments in writing not later than April 30, 1993.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Anna T. Milone, Tamara Markowitz, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-4406 or 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 23, 1987, the Department of Commerce ("the Department") published a countervailing duty order on certain fresh cut flowers from Peru (52 FR 13491). The Department has not received a request to conduct an administrative review of this countervailing duty order for more than four consecutive annual anniversary months.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no domestic interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by § 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity to Object

Not later than April 30, 1993, interested parties, as defined in § 355.2 (i)(3), (i)(4), (i)(5), and (i)(6) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties neither request an administrative review (pursuant to the Department's notice of opportunity to request administrative review), nor object to the Department's intent to revoke by April 30, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d)(4)(i).

Dated: March 26, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93-7460 Filed 3-31-93; 8:45 am]
BILLING CODE 3510-DS-P

[C-583-604]

Stainless Steel Cooking Ware From Taiwan; Determination Not To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of determination not to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the countervailing duty order on stainless steel cooking ware from Taiwan.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Lorenza Olivas, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-0983 or 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 1993, the Department of Commerce ("the Department") published in the **Federal Register** (58 FR 85) its intent to revoke the countervailing duty order on stainless steel cooking ware from Taiwan. Under 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. We had not received a request for an administrative review of the order for more than four consecutive anniversary months.

On January 27, 1993, Farberware Inc., an interested party and a domestic producer of the subject merchandise, objected to the intended revocation and, on January 28, 1993, the Fair Trade Committee of the Cookware Manufacturers Association, a trade association representing the interests of a majority of stainless steel cookware producers, also objected to our intent to revoke the order. Because the requirements of 19 CFR 355.25(d)(4)(iii) have not been met, we will not revoke the order.

This notice is in accordance with 19 CFR 355.25(d).

Dated: March 25, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93-7462 Filed 3-31-93; 8:45 am]
BILLING CODE 3510-DS-M

National Institute of Standards and Technology

Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of prospective grant of exclusive patent license.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology, U.S. Department of Commerce, is contemplating the grant of a field of use

exclusive license in the United States to practice the invention embodied in U.S. Patent Application 07/917,426, titled, "Liposome Immunoanalysis" to Paracelsian Inc., having a place of business in Ithaca, New York. The patent rights in this invention have been assigned to the United States of America.

FOR FURTHER INFORMATION CONTACT: Bruce E. Mattson, National Institute of Standards and Technology, Technology Development and Small Business Program, Building 221, room B–256, Gaithersburg, MD 20852.

SUPPLEMENTARY INFORMATION: The prospective field of use exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective field of use exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

U.S. Patent Application 07/917,426 relates to the use of liposomes in an immunoanalysis method with a flow injection analysis system. This application describes a method of immunoanalysis combining immobilized immunochemistry with flow injection analysis and employing liposomes as carriers of detectable reagents. The liposomes are modified on their surface with analytical reagents and carry in their internal volume a very large number of fluorescent or electroactive molecules.

The availability of the invention for licensing was published in the **Federal Register**, Vol. 57, No. 226 (November 23, 1992). A copy of the patent application may be obtained from NIST at the foregoing address.

Dated: March 25, 1993.

Raymond G. Kammer,

Acting Director.

[FR Doc. 93–7585 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council (Council), and its Scientific and Statistical Committee (SSC), Advisory Panel (AP) and Comprehensive Planning Committee (CPC), will meet during the week of April 19, 1993, at the Hilton Hotel, Anchorage, AK.

The SSC, AP and CPC will all begin meeting at 1 p.m. on April 19. The Council's Ad Hoc Observer Committee will meet at 1 p.m. on April 20. The plenary session of the Council will begin at 8 a.m. on April 21 and continue through the week until the agenda is complete.

The Council will consider and may take action on the following agenda subjects:

(1) Reports by the National Marine Fisheries Service, the Alaska Department of Fish and Game, and the United States Coast Guard;

(2) A preliminary review of scallop management measures and plan;

(3) A legislative update and review of reauthorization issues for the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Marine Mammal Protection Act, and the Endangered Species Act;

(4) Report from the Comprehensive Planning Committee on progress in developing alternatives for analysis;

(5) Report on current crab management measures, discussion of need for changes and appropriate action;

(6) Report on scope of observer information and its confidentiality;

(7) Discussion and clarification of implementation dates for the Sablefish/Halibut Individual Fishing Quota program and its associated Community Development Quota (CDQ) program;

(8) Status report on 1992–1993 pollock CDQ operations and on progress on a CDQ prohibited species catch amendment;

(9) Final review and approval of a Bering Sea/Aleutian Islands (BSAI) groundfish plan amendment with proposed salmon bycatch measures;

(10) Initial review of regulatory amendments, including proposals to: (a) Adjust rockfish directed fishing standards to discourage "topping off"; (b) trawl mesh regulations; (c) framework opening date for the BSAI pollock 'A' Season; and (d) total weight measurement alternatives;

(11) Final review of a groundfish regulatory amendment to add the definition of legal gears in the groundfish plans;

(12) Preliminary review of the following groundfish plan amendment proposals:

(a) Salmon bycatch vessel incentive program in the BSAI; (b) add pelagic gear to other trawl prohibitions around Kodiak Island; (c) rebuilding plans for rockfish. Associated with this topic is reconsideration of Pacific ocean perch acceptable biological catch and total allowable catch specifications in Gulf of Alaska for 1993 that were set last December; (d) preferential and seasonal allocations of Pacific cod; and (e) establish Atka mackerel as a separate target species in the Gulf of Alaska;

(13) Status reports and/or review of initial analyses for a Pribilof Island trawl closure and a ban on night trawling;

(14) Review current staff tasking.

In addition to the listed meetings, the Council's Enforcement Committee will meet sometime during the week. Other committees and workgroups may also meet during the week. All meetings are open to the public with the exception of a Council Executive session scheduled for noon on April 22, to receive reports on litigation, international affairs, and personnel matters.

The Council will also review 1993–1994 salmon fishery management for consistency with the Fishery Management Plan for the High Sea Salmon Fishery off the Coast of Alaska, the Magnuson Act, the Pacific Salmon Treaty Act, and other applicable law, and take action as necessary to ensure consistency. The National Marine Fisheries Service and State of Alaska will present a plan for management of the Alaska salmon fisheries, that includes recommended harvest levels for directed troll fisheries. They will seek Council recommendations for Secretarial approval.

For more information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, (907) 271–2809.

Dated: March 26, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–7507 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Coastal Pelagic Species Plan Development Team will meet on the dates and at the locations listed below to continue preparation of the coastal pelagic species fishery management plan. Meetings in La Jolla will be in the small conference room at the National Marine Fisheries Service, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA. Meetings in Long Beach will be at the California

Department of Fish and Game, 330 Golden Shore, suite 50, Long Beach, CA.

Location, time, and date

Long Beach, 10 a.m., April 7, 1993
La Jolla, 10 a.m., April 21, 1993
Long Beach, 10 a.m., May 5, 1993
La Jolla, 10 a.m., May 19, 1993

For more information or for persons wishing to attend, please contact Larry Jacobson on (619) 546–7117 or Patricia Wolf on (310) 590–5175 prior to the date listed herein to confirm that meeting dates and locations have not been changed.

Dated: March 26, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–7508 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Permits

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of application for a scientific research permit to take marine mammals (P771#67).

Notice is hereby given that the Alaska Fisheries Science Center, NMFS, NOAA, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., Building 4, Seattle, WA 98115, has applied in due form for a Permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fur Seal Act of 1966 (16 U.S.C. 1151–1187), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The Applicant seeks authorization to conduct several studies on fur seals (*Callorhinus ursinus*) over a five-year period on rookeries in the Bering Sea and eastern North Pacific Ocean. This research would entail: Shear marking of up to 60,000 pups; collection of tooth samples from up to 500 dead pups and 400 dead adults; collection of scats; capture, weighing, and measuring of up to 4400 pups, of which up to 300 may be tagged and up to 440 may be swab sampled. Additionally, up to 20 pups, 50 adult females, and 50 sub-adult males may be captured, flipper tagged, and instrumented with radio/satellite tags. Up to 222,720 fur seals and 3500 California sea lions (*Zalophus californianus*) per year may be harassed incidental to census activities and the other research activities outlined above. Some of these animals may be harassed more than once during the course of these activities.

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 the Committee of Scientific Advisors.

Written data, views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Highway, room 7234, 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 application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, suite 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., BIN C15700–Building 1, Seattle, WA 98115–0070, (206/526–6150);

Director, Alaska Region, National Marine Fisheries Service, Federal Annex, 9109 Mendenhall Mall Road, suite 6, Juneau, AK 99802 (907/586–7221); and

Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802, (310/980–4016).

Dated: March 25, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources.

[FR Doc. 93–7511 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

March 26, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: March 30, 1993.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, call (202) 482-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Inasmuch no agreement has been reached on a mutually satisfactory solution on Categories 350/650 and 447, the United States Government has decided to control imports in these categories for the prorated period beginning on March 30, 1993 and extending through June 30, 1993.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in further consultations with the Government of Indonesia, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 24597, published on June 10, 1992; and 58 FR 5362, published on January 21, 1993.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 26, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on December 9, 1992; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated September 25 and October 3, 1985, as amended, between the

Governments of the United States and Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on March 30, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Indonesia and exported during the period beginning on March 30, 1993 and extending through June 30, 1993, in excess of the following limits:

Category	Restraint limit [1]
350/650	23,328 dozen.
447	3,679 dozen.

[1] The limits have not been adjusted to account for any imports exported after March 29, 1993.

Textile products in Categories 350, 650 and 447 which have been exported to the United States on and after July 1, 1992 shall remain subject to the Group II limit (Categories 350 and 650), and its subgroup (Category 447), established for the period July 1, 1992 through June 30, 1993.

Imports charged to these category limits for the ninety-day period which began on December 30, 1992 and extended through March 29, 1993, shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–7540 Filed 3–31–93; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Federal Advisory Board for Ada; Meeting

AGENCY: DOD.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Federal Advisory Board for Ada (Ada Board) will be held April 15 and 16, 1993 at the Institute for Defense Analyses, 2001 N. Beauregard Street, Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Carlson, Ada Information Clearinghouse c/o IIT Research Institute, 4600 Forbes Boulevard, Lanham, Maryland 20706, (703) 685–1477.

Dated: March 29, 1993.

L.M. Bynum,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

[FR Doc. 93–7539 Filed 3–31–93; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board (SAB) Ad Hoc Committee on GPS Integrity and Denial will meet from 8 a.m. to 5 p.m. on 26–27 April 1993 at the ANSER Corporation, 1215 Jefferson-Davis Highway, Arlington, VA.

The purpose of this meeting is to receive information briefings, conduct a working session, and initiate report writing. The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For further information, contact the SAB Secretariat at (703) 697–8404.

Patsy J. Connor,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–7571 Filed 3–31–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

United States Military Academy, Board of Visitors; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 6 to 8 May 1993.

Place of Meeting: West Point, New York.

Start Time of Meeting: 8:00 a.m.

Proposed Agenda: Report on Annual Program Review; Report on Infrastructure Revitalization.

All proceedings are open. For further information, contact Lieutenant Colonel Stephen R. Furr, United States Military Academy, West Point, NY 10996–5000, (914) 938–5870.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–7566 Filed 3–31–93; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Regulatory Guidance Letters Issued by the Corps of Engineers

AGENCY: U.S. Army Corps of Engineers. DoD.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide current Regulatory Guidance Letters (RGL's) to all interested parties. RGL's are used by the Corps Headquarters as a means to transmit guidance on the permit program (33 CFR Parts 320–330) to its division and district engineers. Each future RGL will be published in the Notice Section of the **Federal Register** as a means to insure the widest dissemination of this information while reducing costs to the Federal Government. The Corps no longer maintains a mailing list to furnish copies of the RGL's to the public.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Eppard, Regulatory Branch, Office of the Chief of Engineers at (202) 272–1783.

SUPPLEMENTARY INFORMATION: RGL's were developed by the Corps of Engineers as a system to organize and track written guidance issued to its field agencies. RGL's are normally issued as a result of evolving policy; judicial decisions and changes to the Corps regulations or another Agency's regulations which affect the permit program. RGL's are used only to interpret or clarify existing regulatory program policy, but do provide mandatory guidance to Corps district offices. RGL's are sequentially numbered and expire on a specified date. After a RGL's expiration date has passed, it no longer constitutes mandatory guidance for Corps district and division offices. Nevertheless, many expired RGL's still provide useful, non-mandatory guidance which Corps field offices have the discretion to follow. On the other hand, some RGL's have been superseded by specific provisions of subsequently issued regulations or RGL's. In addition, other expired RGL's, in whole or in part, may not be consistent with current Corps policy. The Corps incorporates most of the guidance provided by RGL's whenever it revises its permit regulations.

There were five RGL's issued by the Corps during 1992, and all were published in the Notice Section of the **Federal Register** upon issuance. We are hereby publishing all current RGL's, beginning with RGL 90–6 (earlier RGL's issued in 1990 have expired), and ending with RGL 92–5. We will

continue to publish each RGL in the Notice Section of the Federal Register upon issuance and in early 1994, we will again publish the complete list of all current RGL's.

Dated: March 23, 1993.

John R. Brown,

Colonel, Corps of Engineers, Executive Director of Civil Works.

Regulatory Guidance Letter (RGL 90–6)

RGL 90–6: Date: August 14, 1990.
Expires: December 31, 1993.
Subject: Expiration Dates for Wetlands Jurisdictional Delineations.

1. Recently, questions have been raised regarding the length of time that wetlands jurisdictional delineations remain valid. In light of the need for national consistency in this area, the guidance in paragraph 4(a)-(d) below is provided. This guidance is subject to the provisions in paragraphs 5, 6, and 7.

2. Since wetlands are affected over time by both natural and manmade activities, we can expect local changes in wetland boundaries. As such, wetlands jurisdictional delineations will not remain valid for an indefinite period of time.

3. The purpose of this guidance is to provide a consistent national approach to reevaluating wetlands delineations. This provides greater certainty to the regulated public and ensures their ability to rely upon wetlands jurisdictional delineations for a definite period of time.

4. (a) Written wetlands jurisdictional delineations made before the effective date of this guidance, without a specific time limit imposed in the Corps written delineation, will remain valid for a period of two years from the effective date of this Regulatory Guidance Letter (RGL).

(b) Written wetlands jurisdictional delineations made before the effective date of this guidance, with a specified time limit imposed in the Corps written delineation, will be valid until the date specified.

(c) Oral delineations (i.e., not verified in writing by the Corps) are no longer valid as of the effective date of this RGL.

(d) As specified in the 20 March 1989 Memorandum of Agreement Between the Department of the Army and the Environmental Protection Agency Concerning the Determination of the Geographic Jurisdiction of the Section 404 Program and the Application of the Exemptions Under Section 404(f) of the Clean Water Act (MOA), all wetlands jurisdictional delineations (including those prepared by the project proponent or consultant and verified by the Corps) shall be put in writing. Generally, this should be in the form of a letter to the project proponent. The Corps letter shall include a statement that the wetlands jurisdictional delineation is valid for a period of three years from the date of the letter unless new information warrants revision of the delineation before the expiration date. Longer periods, not to exceed five years, may be provided where the nature and duration of a proposed project so warrant. The delineation should be supported by proper documentation. Generally, the project proponent should be given the opportunity to complete the delineation and provide the supporting documentation subject to the Corps verification. However, the Corps will complete the delineation and documentation at the project proponent's request, consistent with other work priorities.

5. The guidance in paragraph 4(a)-(b) above does not apply to completed permit applications [33 CFR 325.1(d)(9)] received before the effective date of this RGL, or where the applicant can fully demonstrate that substantial resources have been expended or committed based on a previous Corps jurisdictional delineation (e.g., final engineering design work, contractual commitments for construction, or purchase or long term leasing of property will, in most cases, be considered a substantial commitment of resources). However, district engineers cannot rely upon the expenditure or commitment of substantial resources to validate an otherwise expired delineation for more than five years from the expiration dates noted in paragraph 4(a)-(b). At the end of the five year period a new delineation would be required. In certain rare cases, it may be appropriate to honor a previous oral wetlands delineation when the applicant can fully demonstrate a substantial expenditure or commitment of resources. However, the presumption is that oral delineations are not valid and acceptance of such must be based on clear evidence and equities of the particular case. This determination is left to the discretion of the district engineer.

6. When making wetlands jurisdictional delineations it is very important to have complete and accurate documentation which substantiates the Corps decision (e.g., data sheets, etc.) Documentation must allow a reasonably accurate replication of the delineation at a future date. In this regard, documentation will normally include information such as data sheets, maps, sketches, and in some cases, surveys.

7. This guidance does not alter or supersede any provisions of law, regulations or any interagency agreement between Army and EPA. Further, this guidance does not impair the Corps discretion to revise wetlands jurisdictional delineations where new information so warrants.

8. Each district shall issue a public notice on this guidance no later than 1 September 1990. The public notice shall contain the full text of this RGL.

9. This guidance expires on 31 December 1993 unless sooner revised or rescinded.

For the Director of Civil Works.

John P. Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Regulatory Guidance Letter (RGL 90–7)

RGL 90–7: Date: September 26, 1990.
Expires: December 31, 1993.
Subject: Clarification of the Phrase "Normal Circumstances" as it pertains to Cropped Wetlands.

1. The purpose of this Regulatory Guidance Letter (RGL) is to clarify the concept of "normal circumstances" as currently used in the Army Corps of Engineers definition of wetlands (33 CFR 328.3(b)), with respect to cropped wetlands.

2. Since 1977, the Corps and the Environmental Protection Agency (EPA) have defined wetlands as:

"areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions * * *" (33 CFR 328.3(b)) (emphasis added).

While "normal circumstances" has not been defined by regulation, the Corps previously provided guidance on this subject in two expired "normal circumstances" RGL's (RGL's 82–2 and 86–9). These RGL's did not specifically deal with the issue of wetland conversion for purposes of crop production.

3. When the Corps adopted the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Manual) on 10 January 1989, the Corps chose to define "normal circumstances" in a manner consistent with the definition used by the Soil Conservation Service (SCS) in its administration of the Swampbuster provisions of the Food Security Act of 1985 (FSA). Both the SCS and the Manual interpret "normal circumstances" as the soil and hydrologic conditions that are normally

present, without regard to whether the vegetation has been removed [7 CFR 12.31(b)(2)(i)] [Manual page 71].

4. The primary consideration in determining whether a disturbed area qualifies as a section 404 wetland under "normal" circumstances" involves an evaluation of the extent and relative permanence of the physical alteration of wetlands hydrology and hydrophtyic vegetation. In addition, consideration is given to the purpose and cause of the physical alterations to hydrology and vegetation. For example, we have always maintained that areas where individuals have destroyed hydrophytic vegetation in an attempt to eliminate the regulatory requirements of section 404 remain part of the overall aquatic system, and are subject to regulation under section 404. In such a case, where the Corps can determine or reasonably infer that the purpose of the physical disturbance to hydrophytic vegetation was to avoid regulation, the Corps will continue to assert section 404 jurisdiction.

5. The following guidance is provided regarding how the concept of "normal circumstances" applies to areas that are in agricultural crop production:

a. "Prior converted cropland" is defined by the SCS (Section 512.15 of the National Food Security Act Manual, August 1988) as wetlands which were both manipulated (drained or otherwise physically altered to remove excess water from the land) and cropped before 23 December 1985, to the extent that they no longer exhibit important wetland values. Specifically, prior converted cropland is inundated for no more than 14 consecutive days during the growing season. Prior converted cropland generally does not include pothole or playa wetlands. In addition, wetlands that are seasonally flooded or ponded for 15 or more consecutive days during the growing season are not considered prior converted cropland.

b. "Farmed wetlands" are wetlands which were both manipulated and cropped before 23 December 1985, but which continue to exhibit important wetlands values. Specifically, farmed wetlands include cropped potholes, playas, and areas with 15 or more consecutive days (or 10 percent of the growing season, whichever is less) of inundation during the growing season.

c. The definition of "normal circumstances" found at page 71 of the Manual is based upon the premise that for certain altered wetlands, even though the vegetation has been removed by croping, the basic soil and hydrological characteristics remain to the extent that hydrophytic vegetation would return if the cropping ceased. This assumption is valid for "farmed wetlands" and as such these areas are subject to regulation under section 404.

d. In contrast to "farmed wetlands", "prior converted croplands" generally have been subject to such extensive and relatively permanent physical hydrological modifications and alteration of hydrophytic vegetation that the resultant cropland constitutes the "normal circumstances" for purposes of section 404 jurisdiction. Consequently, the "normal circumstances" of prior converted croplands generally do not support a "prevalence of hydrophytic vegetation" and as such are not subject to regulation under section 404. In addition, our experience and professional judgment lead us to conclude that because of the magnitude of hydrological alterations that have most often occurred on prior converted cropland, such cropland meets, minimally if at all, the Manual's hydrology criteria.

e. If prior converted cropland is abandoned (512.17 National Food Security Act Manual as amended, June 1990) and wetland conditions return, then the area will be subject to regulation under section 404. An area will be considered abandoned if for five consecutive years there has been no cropping, management or maintenance activities related to agricultural production. In this case, positive indicators of all mandatory wetlands criteria, including hydrophytic vegetation, must be observed.

f. For the purposes of section 404, the final determination of whether an area is a wetland under normal circumstances will be made pursuant to the 19 January 1989 Army/EPA Memorandum of Agreement on geographic jurisdiction. For those cropped areas that have previously been designated as "prior converted cropland" or "farmed wetland" by the SCS, the Corps will rely upon such a designation to the extent possible. For those cropped areas that have not been designated "prior converted cropland" or "farmed wetland" by the SCS, the Corps will consult with SCS staff and make appropriate use of SCS data in making a determination of "normal circumstances" for section 404 purposes. Although every effort should be made at the field level to resolve Corps/SCS differences, in opinion on the proper designation of cropped wetlands, the Corps will make the final determination of section 404 jurisdiction. However, in order to monitor implementation of this RGL, cases where the Corps and SCS fail to agree on designation of prior converted cropland or farmed wetlands should be documented and a copy of the documentation forwarded to CECW–OR.

6. This policy is applicable to section 404 of the Clean Water Act only.

7. This guidance expires 31 December 1993 unless sooner revised or rescinded.

For the Commander.

Stanley G. Genega,

Major General(P), USA, Director of Civil Works.

Regulatory Guidance Letter (RGL 90–8)

RGL 90–8: Date: December 14, 1990.
Expires: December 31, 1993.
Subject: Applicability of section 404 to Pilings.

1. The purpose of this Regulatory Guidance Letter (RGL) is to provide additional guidance on the applicability of section 404 to certain categories of projects constructed with pilings in waters of the United States. This RGL represents a clarification and revision to RGL 88–14, which addresses this same subject. Therefore, effective on the date of this RGL, RGL 88–14 is rescinded.

2. For some years, the Army Corps of Engineers, as a matter of policy, has taken the position that pilings do not ordinarily constitute fill material and that the placement of pilings do not ordinarily constitute a discharge of fill material under the Clean Water Act (CWA; see RGL 88–14). Under RGL 88–14, however, the Corps recognized that "in the situation where piles are used in a manner essentially equivalent to file material in effect, purpose and function they should be treated as fill material under the section 404 program." Historically, pilings were generally used for traditional pile-supported structures such as docks and bridges where the effect, purpose and function of the pilings were not to replace an aquatic area with dry land or to change the bottom elevation of a waterbody. More recently, however, circumstances have changed, with pilings being used as a substitute for fill material. That is, there is increasing reliance on construction methods involving the use of pilings in place of fill, often at additional cost, in order to avoid regulation under the CWA section 404. The intent of this RGL is to clarify the application of requirements in the existing Corps regulations to these new circumstances involving the use of pilings in waters of the United States.

3. The Corps regulatory definitions of "fill material" and "discharge of fill material" (33 CFR 323.2 (e) and (f)) are clearly broad enough to capture the placement of pilings in waters of the United States as a discharge that could be regulated in certain specific circumstances. Projects involving

pilings meet the definition of "fill" when they have the physical effect or functional use and effect of fill; that is, pilings may be regulated when they constitute the equivalent "of replacing an aquatic area with dry land or changing the bottom elevation of a waterbody." As was explained in RGL 88–14, pilings may have this function or effect when they are placed so as to facilitate sedimentation, or are placed so densely that they in effect displace a substantial percentage of the water in the project area.

In addition, pilings have the physical effect or functional use of fill, and will be regulated as fill, in circumstances where a structure is placed on top of the pilings in such a manner as to constitute the functional equivalent of fill; or where pilings are placed for the same basic purpose as fill; or where pilings have essentially the same effects as fill (i.e., replaces an aquatic area with dry land or changes the bottom elevation of a waterbody). Similarly, the placement of pilings in waters of the United States may, in certain specific circumstances, be regulated as a "discharge of fill material" under the current regulations.

4. Therefore, based on current regulations, the placement of pilings in waters of the United States will require authorization under section 404 when such placement is used in a manner essentially equivalent to a discharge of fill material in physical effect or functional use and effect. Examples include, but are not limited to, the following activities in waters of the United States:

a. Physical Effect of Fill: Projects that in effect replace an aquatic area or change the bottom elevation of a waterbody as a result of the placement of pilings that are so closely spaced that sedimentation rates are increased, or the pilings themselves essentially replace the bottom, will be regulated under CWA Section 404. This circumstance would include pilings place in waters of the United States for dams, dikes, other structures utilizing densely spaced pilings or as a foundation for large structures.

b. Functional Use and Effect of Fill: Construction projects will be regulated under CWA Section 404 where pilings serve essentially the same functional use as a solid fill foundation, and where the project would result in essentially the same effects as fill (e.g., alter flow or circulation of the waters, bring the area into a new, non-aquatic use, or significantly alter or eliminate aquatic functions and values). Regulated activities include the placement of pilings to facilitate the construction of office and industrial developments, parking structures, restaurants, stores, hotels, multi-family housing projects and similar structures in waters of the United States.

5. Placement of pilings in waters of the United States will not, as in the past, be regulated under section 404 in circumstances involving linear projects such as bridges, elevated walkways, or powerline structures, since pile-supported structures have traditionally been used in these circumstances to cross waters of the United States, and have not substantially harmed or eliminated aquatic functions and values. Similarly, placement of pilings will not be regulated under section 404 in circumstances that involve structures that have traditionally been constructed on pilings; examples are piers, boathouses, wharves, marinas, lighthouses and individual houses built on stilts solely to reduce the potential of flooding (e.g., beach houses where road access is on uplands, but the house may be located in a low area necessitating construction on stilts).

6. We believe that it is appropriate to regulate projects placed on pilings, as provided for in paragraph 4. above, because of the effect the projects have on the aquatic environment and because they are essentially equivalent to solid-fill supported projects in purpose, effect and/or function. Moreover, we have noted an increasing incidence of cases where large-scale construction projects originally, and typically, designed to be built on fill material have been re-designed for pile supports solely for the purpose of evading section 404 regulation.

7. For any proposed pile-supported project where the proponent has relied on earlier Corps guidance to conclude reasonably that a project is not covered by section 404, and has committed substantial resources to the degree that it would be unreasonable and inequitable for the Corps to assert section 404 jurisdiction based on this RGL, the District should not assert section 404 jurisdiction. In cases where a project proponent has been provided a specific answer by the Corps, in writing, that a pile-supported structure will not require a section 404 permit, the District will not require a section 404 permit.

8. As with all determinations regarding whether a proposed activity requires a section 404 permit, the Corps is solely responsible for the decision.

9. This guidance expires 31 December 1993 unless sooner revised or rescinded.

For the Commander.

Stanley G. Genega,

Major General (P), USA, Director of Civil Works.

Regulatory Guidance Letter (RGL 90–9)

RGL 90–9: Date: December 17, 1990.
Expires: December 31, 1993.
Subject: Wetlands Enforcement Initiative.

1. Enclosed is a joint Environmental Protection Agency/Army memorandum which establishes a wetlands enforcement initiative, and provides guidance on judicial civil and criminal enforcement priorities.

2. The memorandum describes the level of participation and schedule that will be followed during the initiative. As stated in the memo, Corps Headquarters will not be involved in decisions about filing suits, but will select the Corps cases for the initiative.

3. The guidance on priorities will be followed as standard operating practice for judicial civil and criminal cases. The guidance was developed to promote consistency in the manner in which the provisions of the Clean Water Act are enforced. Those enforcement actions outside the purview of the Clean Water Act (i.e., Section 10 only cases) should continue, and are to be included in the prioritization process using the general concepts provided in the guidance.

4. This guidance expires on 31 December 1993 unless sooner revised or rescinded.

For the Director of Civil Works.

John P. Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Memorandum

December 12, 1990.
Subject: Wetlands Enforcement Initiative.
From: James M. Strock, Assistant Administrator for Enforcement.
LaJuana S. Wilcher, Assistant Administrator for Water.
G. Edward Dickey, Acting Assistant Secretary of the Army (Civil Works).
To: Regional Administrators, Director of Civil Works.

We are seeking the participation of EPA Regions and Corps Districts in an enforcement initiative to protect wetlands. The Wetlands Enforcement Initiative is designed to emphasize the Federal government's commitment to Clean Water Act Section 404 enforcement, to generally educate the regulated community and the public at large about the requirements of the Section 404 program and the importance of wetlands, and to

publicize Clean Water Act violations involving the unauthorized discharge of dredged or fill material. The EPA and the Department of the Army have placed high priority on protecting this Nation's wetlands and recognize that an active Section 404 enforcement program is one important wetlands protection tool.

The Wetlands Enforcement Initiative will be similar to EPA's FY89 municipal pretreatment enforcement initiative under the Clean Water Act. That initiative concluded with the filing of several important cases and a major Agency press release and press conference. We are proposing to publicize the Wetlands Enforcement Initiative in two phases. The first "wave" of publicity is planned for April 1991. It will announce the Initiative and highlight appropriate Section 404 enforcement actions initiated or resolved over the previous 12 months. We also hope to file a "cluster" of Section 404 cases at that time if such a filing does not unduly interfere with the normal flow of cases.

By alerting the regulated community, as well as the general public, to the Federal government's commitment to Section 404 enforcement, this Spring announcement is also intended to provide an early deterrent to potential violations which might otherwise occur during the 1991 Spring and Summer construction season. The second "wave" of publicity is scheduled for October 1991 and will highlight appropriate Section 404 enforcement actions initiated or resolved during FY91, including cases resulting from investigations conducted during the Spring field season. We also hope to have a second "cluster" filing at that time. Each announcement will consist of a joint EPA/Army/Department of Justice (DOJ) press release and press conference. In the press release, we will acknowledge Section 404 administrative compliance orders, cease and desist orders, administrative penalty orders and judicial cases initiated or resolved by the Regions and Districts during the covered time period. At the press conferences, we will highlight those administrative and judicial cases that best serve to illustrate the Initiative's goals.

The Wetlands Enforcement Initiative will include cases involving both unpermitted discharges of dredged or fill material into wetlands and discharges in violation of the conditions in a Section 404 permit. Regions and Districts will have flexibility to decide which enforcement actions are most appropriate to support the Initiative. In making enforcement decisions, Regions and Districts should consider: The "EPA/Army Guidance on Judicial Civil and Criminal Enforcement Priorities;" the "Clean Water Act Section 404 Civil Administrative Penalty Settlement Guidance and Appendices;" the Clean Water Act Section 404 Enforcement Memorandum of Agreement; and the additional guidance discussed below, and should focus on the most significant violators/violations in each of the Regions or Districts.

While this Initiative focuses on wetlands protection, Section 404 enforcement actions involving unpermitted discharges and violations of 404 permit conditions to other waters of the United States can be included. We suggest, however, that, where possible, the Regions and Districts focus on enforcement actions which have one or more of the following elements:

—a discharge into a wetland that is identified on the Region's Priority Wetland List or is an important and/or threatened area in the Region or District;

—a case which will have high deterrence value in the Region, District or Nation, e.g., a particular industry, business or land development entity which engaged in unauthorized discharges of dredged or fill material.

—a discharge by a repeat or flagrant violator, e.g., someone who engaged in an unauthorized discharge activity after being denied a Section 404 permit or withdrawing a permit application for such activity.

The above list is not intended to exclude other cases of importance.

As noted above, the Wetlands Enforcement Initiative will consist of cease and desist orders, administrative compliance orders, administrative penalty actions and civil judicial referrals. In addition, appropriate criminal actions, which have been approved in accordance with each agency's procedures for criminal referrals, may also be included in the press announcements. Because Regions and Districts follow different procedures in initiating enforcement responses, we have provided two separate schedules for implementing this Initiative.

EPA Regions

We propose that the Regions issue Section 309(a) administrative compliance orders and Section 309(g) administrative penalty complaints on the schedule described below. Administrative compliance orders and administrative penalty orders are not subject to Headquarters concurrence (with the exception of those Regions that have not fulfilled Headquarters concurrence requirements concerning the requisite number of Section 309(g) complaints and consent agreements). Headquarters will review Section 309(g) complaints and consent agreements, however, for the purpose of determining whether such orders should be highlighted in Initiative press activities.

We ask that the Regions submit case referrals by no later than February 15, 1991, for the April announcement and by August 1, 1991 for the October 1991 announcement. We do not intend, however, to delay the processing of referrals submitted earlier. Each Region should submit one or more civil judicial referrals and should also issue administrative compliance orders and administrative penalty orders as appropriate. After receipt of the referral packages, the Regions, Headquarters and DOJ, in consultation with the Army, will decide if suits should be filed simultaneously or in some other coordinated manner, as indicated in the following schedule:

1. Headquarters/Regional conference calls to discuss Call Letter. December 18, 1990.
2. Regions submit to Headquarters a list and brief description and schedule for candidate enforcement actions. January 8, 1991.
3. Headquarters/Regional conference call to discuss candidate cases and confirm schedules for candidate enforcement actions. January 22, 1991.
4. Deadline for Regions to submit referrals to Headquarters for April filing. February 15, 1991.
5. Deadline for Regions to issue administrative compliance orders, administrative consent orders and administrative penalty complaints (copies of issued compliance orders, consent orders and administrative penalty complaints should be supplied to Headquarters after issuance). March 23, 1991.
6. Headquarters completes coordination of national communications strategy with Regions, Army and DOJ for April announcement. April 1, 1991.
7. Likely judicial case filing dates. April 23, 1991.
8. Joint press release and/or joint press conference held. April 23, 1991.
9. Regions submit to Headquarters a list and brief description and schedule for candidate enforcement actions for October announcement. June 14, 1991.
10. Headquarters coordinates with Regions and confirms schedules for candidate enforcement actions. July 1, 1991.
11. Deadline for Regions to submit civil judicial referrals to Headquarters for October filing. August 1, 1991.

12. Deadline for Regions to issue administrative compliance orders, administrative consent orders and administrative penalty complaints (copies of issued compliance and consent orders and administrative penalty complaints should be supplied to Headquarters after issuance). September 13, 1991.

13. Headquarters completes coordination of national communications strategy with Regions, Corps and DOJ for October announcement. September 20, 1991.

14. Likely judicial case filing date. October 15, 1991.

15. Joint press release and/or joint press conference held. October 15, 1991.

We request that each Region complete the attached form on cases that are candidates for inclusion in the Wetlands Enforcement Initiative, and submit the forms to Hazel Groman of the Office of Wetlands Protection and Elyse DiBiagio-Wood of the Office of Enforcement by January 8, 1991 or June 14, 1991, as appropriate. Headquarters staff assigned to the Initiative and available to answer questions include Hazel Groman, OWP, FTS 475–8798, and Elyse DiBiagio-Wood, OE–Water, FTS 475–8187.

Corps District

Unlike EPA, Corps Headquarters will not participate in the decision as to which suits should be filed. The Initiative is not intended to affect ongoing Corps enforcement activities. Districts should continue to employ all enforcement options, as discussed in the attached joint guidance letter. For purposes of the Initiative, however, we ask that each District submit two planned or pending enforcement actions for each phase of the Initiative which, in the District's opinion, target particularly egregious violations. We will then decide which cases are proper candidates to be publicized at the joint press conference. The Districts should submit their actions in accordance with the following schedule:

1. Districts submit to Headquarters two planned or pending enforcement actions to be included in the April announcement. February 4, 1991.

2. Headquarters coordinates with Districts and confirms schedules for enforcement actions. March 5, 1991.

3. Headquarters completes coordination of national communications strategy with EPA and DOJ. April 1, 1991.

4. Joint press release and/or joint press conference. April 23, 1991.

5. Districts submit to Headquarters two planned or pending enforcement actions to be included in the October announcement. July 2, 1991.

6. Headquarters coordinates with Districts and confirms schedules for enforcement actions. August 20, 1991.

7. Headquarters completes coordination of national communications strategy with EPA and DOJ. September 20, 1991.

8. Joint press release and/or joint press conference. October 15, 1991.

We request that each District complete the attached form on cases that it believes should be publicized in the Enforcement Initiative, and submit the form, in duplicate, to Jack Chowning, HQUSACE, CECW–OR by February 4, 1991 and July 2, 1991. Headquarters staff available to answer questions regarding the Initiative include Jack Chowning, 272–1781, and Martin Cohen, HQUSACE, CECC–K, 272–0027.

We realize that the above schedule will require a large effort by Regional and District offices. However, we believe that the Initiative is critical to the priority goal of the agencies to protect wetlands, and greatly appreciate your continued support of the Initiative. We will make Headquarters personnel available to assist the Regions and Districts. Attachment

cc: Regional Counsels
Directors, Water Mgmt. Div., Regs. I, II, IV, V, VIII, IX and X
Directors, Env'l Services Div., Regs. III and VI
Ass't Regional Administrator, Policy and Management, Reg. VII
Margaret Strand, Chief, Environmental Defense Sec., DOJ
John Studt, Chief, Regulatory Branch, COE
Pat Alberico, OCE
Fred Stiehl, OE-Water
Dave Davis, OWP
Martin Cohen, Assistant Chief Counsel for Litigation, Office of the Chief Counsel, USACE

Environmental Protection Agency
United States Department of the Army

Guidance on Judicial Civil and Criminal Enforcement Priorities

Background

This document provides guidance to the Environmental Protection Agency (EPA) Regions and Army Corps of Engineers Districts on enforcement priorities for unauthorized discharges of dredged or fill material in waters of the United States in violation of section 301 of the Clean Water Act (CWA). Unauthorized discharges include both discharges that are unpermitted and discharges that violate permit terms or conditions.

The guidance enumerates factors enforcement personnel should consider when deciding whether to refer a case for judicial action.

By providing this guidance, EPA and the Army intend to encourage consistency in the manner in which we enforce the CWA's requirements nationally, protect the integrity of the section 404 regulatory program, and direct limited program resources in a manner that produces the most beneficial environmental results.

Options to address CWA violations include: No action, voluntary compliance, cease and desist orders, EPA administrative compliance orders, interim measures designed to protect the aquatic ecosystem from further damage, after-the-fact permits, administrative penalty orders, and civil and criminal judicial actions. This guidance discusses priorities for civil and criminal judicial actions only. By defining priorities for judicial actions, EPA and the Army do not intend to suggest that the agencies limit their use of these or any other enforcement options. In fact, the agencies should continue the use of all enforcement options whether in conjunction with or instead of civil and criminal proceedings.

Civil and Criminal Enforcement Priorities

A. Civil Judicial Cases

Decisions on whether to refer a civil action to the Department of Justice must be on a case-by-case basis, and the absence or presence of one or more of the following factors should not necessarily dictate a decision regarding a particular case. Nevertheless, enforcement personnel should consider the following factors when deciding whether to refer a civil action:

1. *Quality of the waters affected.* Enforcement personnel should determine, to the extent practicable, what functions and values the waters performed prior to the unauthorized discharge. Regions and Districts should give priority to violations that affect wetlands and other special aquatic sites.

2. *Impact of the discharge.* Enforcement personnel should determine, to the extent practicable, the amount and content of the discharge, the number of acres affected by the discharge, and the discharge's direct and indirect effects. Priority should be given to those discharges that have an especially deleterious effect on wetlands functions or values, that affect a large area of wetlands or other waters, or that are widespread and have significant cumulative effects. These would include unauthorized discharges with significant adverse effects on aquatic

ecosystem diversity, productivity, and stability such as loss of fish or wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy. Judicial enforcement action would normally be appropriate, for example, for unauthorized discharges that cause or contribute to violations of state water quality standards; violate any applicable toxic effluent standard or prohibition under section 307 of the CWA; or jeopardize endangered or threatened species and their designated critical habitat. Judicial enforcement action should be considered for any case where unauthorized discharges did or may cause or contribute to significant adverse environmental impacts.

3. *Culpability of violator.* Enforcement personnel should consider the violator's prior compliance history when determining what type of enforcement action is appropriate. Priority should be given to violators with a history of noncompliance and those who commit knowing violations. The violator's experience with the program and whether he or she had been the subject of previous enforcement actions are considerations. In general, repeat violators warrant judicial action, regardless of whether the violations occurred on the same site or on different sites. Repeat violation, however, are not a prerequisite for referring a civil case to the Department of Justice.

4. *Deterrence value.* Enforcement personnel should consider the extent to which the violation is flagrant, visible, and well-publicized. If there are a number of violations within a particular geographic area or industry, civil judicial action against one or more of the violators can provide excellent deterrence. The agencies should refer for civil action a case against any violator whose actions, if left unpunished, would have the effect of jeopardizing the integrity of the section 404 program in the area where the violation occurred.

5. *Benefit from the violation.* Enforcement personnel should consider the economic benefit a violator derived from the unauthorized discharge. Because administrative penalties are limited, when a violator has obtained a significant economic benefit from the discharge, a civil judicial action may be the only enforcement option that can effectively recover that benefit.

6. *Equitable consideration.* In addition to the above five factors, the Regions and Districts will want to anticipate and evaluate the strength of any equitable considerations likely to be raised by potential defendants. Priority should be given to recent and ongoing violations. Regions and Districts should also take into account, as appropriate, when the Region and/or District learned of the violation, and whether timely administrative attempts to achieve compliance were unsuccessful and a civil referral is the only available means to obtain needed injunctive relief.

Another equitable consideration is whether the violator received misinformation from the federal government as to whether the discharge required a section 404 permit. Based on existing case law, the federal government can only rarely and in very limited circumstances be barred from enforcing its laws. At the same time, an important goal of federal enforcement, including section 404 enforcement, is fair and equitable treatment of the regulated community. As a result, the Regions and Districts will need to carefully consider the appropriateness of initiating a civil suit in cases where the violator may have reasonably relied on a federal official's misrepresentations regarding the need for a section 404 permit. This includes situations where the violator was led to believe that the activity did not constitute a discharge, that the discharge did not take place in waters of the United States, or that a general permit covered the discharge. When determining whether the violator's reliance was reasonable, enforcement personnel should assess such factors as whether the misrepresentations were made by EPA or the Corps, the two federal agencies charged with implementing the section 404 program, or another federal agency; whether the misrepresentations were communicated to the violator in writing or were merely oral statements; the extent of the violator's familiarity with the section 404 program; and whether the violator knew, should have known, or with reasonable diligence could have determined, that the representations were erroneous.

The first two factors listed above center upon the environmental effects of the violation. Special attention should be paid both to violations that damage large areas of wetlands and those that impair valuable wetlands, no matter what their size. The next three factors are intended to protect the integrity of the section 404 program by focusing enforcement priorities first on individuals or violations which show disdain for the law and on those who seek to benefit from circumvention of the law.

B. Criminal Cases

With regard to the discharge of dredged or fill material, section 309(c) of the CWA provides criminal penalties for four separate offenses. First, anyone who negligently violates section 301 (e.g., engaging in unauthorized discharges) or who negligently violates the requirements of a section 404 permit may be criminally liable. Second, anyone who knowingly violates section 301 or the requirements of a section 404 permit may also be subject to criminal liability. Third, any person who violates section 301 or the conditions of a section 404 permit and, in doing so, knowingly endangers another person may be subject to criminal penalties. Finally, section 309(c) provides criminal sanctions for persons who knowingly make false material statements regarding a section 404 permit.

In some instances a violation will involve circumstances which indicate that a criminal prosecution may be in order. Such circumstances should be underscored when the case is referred to the Department of Justice. Ultimately, Justice must exercise its discretion as to whether or not to proceed criminally in any case. If there is a possibility of criminal prosecution, field personnel should pay special attention to evidentiary matters such as sample preservation, content of statements to and from any potential defendant, good photographs, and chain of custody.

This document provides internal guidance for field personnel regarding the exercise of their enforcement discretion. Accordingly, this document creates no rights in third parties.

For the Environmental Protection Agency:

David G. Davis, 12/7/90,

Director, Office of Wetlands Protection.

Frederick F. Stiehl, 12/10/90,

Associate Enforcement Counsel for Water.

For the Department of the Army:

John P. Elmore, 2/12/90,

Chief, Operations, Construction, and Readiness Division, Directorate of Civil Works.

Regulatory Guidance Letter (RGL 91–1)

RGL 91–1: Date: December 31, 1991.
Expires: December 31, 1996.
Subject: Extensions of Time For Individual Permit Authorizations.

1. The purpose of this guidance is to provide clarification for District and Division offices relating to extensions of time for Department of the Army permits (See 33 CFR 325.6).

2. *General:* A permittee is informed of the time limit for completing an authorized activity by General Condition #1 of the standard permit form (ENG Form 1721). This condition states that a request for an extension of time should be submitted to the authorizing official at least one month prior to the expiration date. This request

should be in writing and should explain the basis of the request. The DE may consider an oral request from the permittee provided it is followed up with a written request prior to the expiration date. A request for an extension of time will usually be granted unless the DE determines that the time extension would be contrary to the public interest. The one month submittal requirement is a workload management time limit designed to prevent permittees from filing last minute time extension requests. Obviously, the one month period is not sufficient to make a final decision on all time extension requests that are processed in accordance with 33 CFR 325.2. It should be noted that a permittee may choose to request a time extension sooner than this (e.g., six months prior to the expiration date). While there is no formal time limit of this nature, a request for an extension of time should generally not be considered by the DE more than one year prior to the expiration date. A permit will automatically expire if an extension is not requested and granted prior to the applicable expiration date (See 33 CFR 325.6(d)).

3. *Requests for Time Extensions Prior to Expiration:* For requests of time extensions received prior to the expiration date, the DE should consider the following procedures if a decision on the request cannot be completed prior to the permit expiration date:

(a) The DE may grant an interim extension while a final decision is being made; or

(b) The DE may, when appropriate, suspend the permit at the same time that an interim time extension is granted, while a final decision is being made.

4. *Requests for Time Extensions After Expiration:* A time extension cannot be granted if a time extension request is received after the applicable time limit. In such cases, a new permit application must be processed, if the permittee wishes to pursue the work. However, the DE may consider expedited processing procedures when: (1) The request is received shortly (generally 30 days) after the expiration date, (2) the DE determines that there have been no substantial changes in the attendant circumstances since the original authorization was issued, and (3) the DE believes that the time extension would likely have been granted. Expedited processing procedures may include, but are not limited to, not requiring that a new application form be submitted or issuing a 15 day public notice.

5. This guidance expires 31 December 1996 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore, P.E.,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Regulatory Guidance Letter (RGL 92–1)

RGL 92–1: Date: May 13, 1992, *Expires:* December 31, 1997.

Subject: Federal Agencies Roles and Responsibilities.

1. *Purpose:* The purpose of this guidance is to clarify the Army Corps of Engineers leadership and decision-making role as "project manager" for the evaluation of permit applications pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. This guidance is also intended to encourage effective and efficient coordination among prospective permittees, the Corps, and the Federal resource agencies (i.e., Environmental Protection Agency (EPA), Fish and Wildlife Service (FWS), and National Marine Fisheries Service (NMFS)). Implementation of this guidance will help to streamline the permit process by minimizing delays and ensuring more timely decisions, while providing a meaningful opportunity for substantive input from all Federal agencies.

2. *Background:* (a) The Department of the Army Regulatory Program must operate in an efficient manner in order to protect the aquatic environment and provide fair, equitable, and timely decisions to the regulated public. Clear leadership and a predictable decision-making framework will enhance the public acceptance of the program and allow the program to meet the important objective of effectively protecting the Nation's valuable aquatic resources.

(b) On August 9, 1991, the President announced a comprehensive plan for improving the protection of the Nation's wetlands. The plan seeks to balance two important objectives—the protection, restoration, and creation of wetlands and the need for sustained economic growth and development. The plan, which is designed to slow and eventually stop the net loss of wetlands, includes measures that will improve and streamline the current wetlands regulatory system. This Regulatory Guidance Letter is issued in accordance with the President's plan for protecting wetlands.

(c) The intent of this guidance is to express clearly that the Corps is the decision-maker and project manager for the Department of Army's Regulatory Program. The Corps will consider, to the maximum extent possible, all timely, project-related comments from other Federal agencies when making regulatory decisions. Furthermore, the Corps and relevant Federal agencies will maintain and improve as necessary their working relationships.

(d) The Federal resource agencies have reviewed and concurred with this guidance and have agreed to act in accordance with these provisions. While this guidance does not restrict or impair the exercise of legal authorities vested in the Federal resource agencies or States under the CWA or other statutes and regulations (e.g., EPA's authority under section 404(c), section 404(f), and CWA geographic jurisdiction and FWS/NMFS authorities under the Fish and Wildlife Coordination Act and the Endangered Species Act (ESA)), agency comments on Department of the Army permit applications must be consistent with the provisions contained in this regulatory guidance letter.

3. *The Corps Project Management/Decision Making Role:* (a) The corps is solely responsible for making final permit decisions pursuant to section 10 and section 404(a), including final determinations of compliance with the Corps permit regulations, the Section 404(b)(1) Guidelines, and Section 7(a)(2) of the ESA. As such, the Corps will act as the project manager for the evaluation of all permit applications. The Corps will advise potential applicants of its role as the project manager and decision-maker. This guidance does not restrict EPA's authority to make determinations of compliance with the Guidelines in carrying out its responsibilities under Sections 309 and 404(c) of the Clean Water Act.

(b) As the project manager, the Corps is responsible for requesting and evaluating information concerning all permit applications. The Corps will obtain and utilize this information in a manner that moves, as rapidly as practical, the regulatory process towards a final permit decision. The Corps will not evaluate applications as a project opponent or advocate—but instead will maintain an objective evaluation, fully considering all relevant factors.

(c) The Corps will fully consider other Federal agencies' project-related comments when determining compliance with the National Environmental Policy Act (NEPA), the Section 404(b)(1) Guidelines, the ESA, the National Historic Preservation Act, and other relevant statutes, regulations, and policies. The Corps will also fully consider the agencies' views when determining whether to issue the permit, to issue the permit with conditions and/or mitigation, or to deny the permit.

4. *The Federal Resource Agencies' Role:* (a) It is recognized that the Federal

resource agencies have an important role in the Department of the Army Regulatory Program under the CWA, NEPA, ESA, Magnuson Fisheries Conservation and Management Act, and other relevant statutes.

(b) When providing comments, Federal resource agencies will submit to the Corps only substantive, project-related information on the impacts of activities being evaluated by the Corps and appropriate and practicable measures to mitigate adverse impacts. The comments will be submitted within the time frames established in interagency agreements and regulations. Federal resource agencies will limit their comments to their respective areas of expertise and authority to avoid duplication with the Corps and other agencies and to provide the Corps with a sound basis for making permit decisions. The Federal resource agencies should not submit comments that attempt to interpret the Corps regulations or for the purposes of section 404(a) make determinations concerning compliance with the section 404(b)(1) Guidelines. Pursuant to its authority under section 404(b)(1) of the CWA, the EPA may provide comments to the Corps identifying its views regarding compliance with the Guidelines. While the Corps will fully consider and utilize agency comments, the final decision regarding the permit application, including a determination of compliance with the Guidelines, rests solely with the Corps.

5. Pre-Application Consultation: (a) To provide potential applicants with the maximum degree of relevant information at an early phase of project planning, the Corps will increase its efforts to encourage pre-application consultations in accordance with regulations at 33 CFR 325.1(b). Furthermore, while encouraging pre-application consultation, the Corps will emphasize the need for early consultation concerning mitigation requirements, if impacts to aquatic resources may occur. The Corps is responsible for initiating, coordinating, and conducting pre-application consultations and other discussions and meetings with applicants regarding Department of the Army permits. This may not apply in instances where the consultation is associated with the review of a separate permit or license required from another Federal agency (e.g., the Federal Energy Regulatory Commission or the Nuclear Regulatory Commission) or in situations where resource agencies perform work for others outside the context of a specific Department of the Army permit application (e.g., the Conservation Reserve Program and technical assistance to applicants of Federal grants).

(b) For those pre-application consultations involving activities that may result in impacts to aquatic resources, the Corps will provide EPA, FWS, NMFS (as appropriate), and other appropriate Federal and State agencies, a reasonable opportunity to participate in the pre-application process. The invited agencies will participate to the maximum extent possible in the pre-application consultation, since this is generally the best time to consider alternatives for avoiding or reducing adverse impacts. To the extent practical, the Corps and the Federal resource agencies will develop local procedures (e.g., teleconferencing) to promote reasonable and effective pre-application consultations within the logistical constraints of all affected parties.

6. Applications for Individual Permits:

(a) The Corps is responsible for determining the need for, and the coordination of, interagency meetings, requests for information, and other interactions between permit applicants and the Federal Government. In this regard, Federal resource agencies will contact the Corps to discuss and coordinate any additional need for information from the applicant. The Corps will cooperate with the Federal resource agencies to ensure, to the extent practical, that information necessary for the agencies to carry out their responsibilities is obtained. If it is determined by the Corps that an applicant meeting is necessary for the exchange of information with a Federal resource agency and the Corps chooses not to participate in such a meeting, the Federal resource agency will apprise the Corps, generally in writing, of that agency's discussions with the applicant. Notwithstanding such meetings, the Corps is solely responsible for permit requirements, including mitigation and other conditions—the Federal resource agencies must not represent their views as regulatory requirements. In circumstances where the Corps meets with the applicant and develops information that will affect the permit decision, the Corps will apprise the Federal resource agencies of such information.

(b) Consistent with 33 CFR part 325, the Corps will ensure that public notices contain sufficient information to facilitate the timely submittal of project-specific comments from the Federal resource agencies. The resource agencies comments will provide specific information and/or data related to the proposed project site. The Corps will fully consider comments regarding the site from a watershed or landscape scale, including an evaluation of potential cumulative and secondary impacts.

(c) The Corps must consider cumulative impacts in reaching permit decisions. In addition to the Corps' own expertise and experience, the Corps will fully consider comments from the Federal resource agencies, which can provide valuable information on cumulative impacts. Interested Federal agencies are encouraged to provide periodically to the Corps generic comments and assessments of impacts (outside the context of a specific permit application) on issues within the agencies' area of expertise.

7. General Permits:

(a) The Corps is responsible for proposing potential general permits, assessing impacts of and comments on proposed general permits, and deciding whether to issue general permits. The Corps will consider proposals for general permits from other sources, including the Federal resource agencies, although the final decision regarding the need to propose a general permit rests with the Corps. Other interested Federal agencies should provide comments to the Corps on proposed general permits. These Federal agency comments will be submitted consistent with established agreements and regulations and will focus on the Federal agencies' area(s) of expertise. The Corps will fully consider such agencies' comments in deciding whether to issue general permits, including programmatic general permits.

(b) The Corps is responsible for initiating and conducting meetings that may be necessary in developing and evaluating potential general permits. Any discussions with a State or local Government regarding proposed programmatic general permits will be coordinated through and conducted by the Corps. Prior to issuing a programmatic general permit, the Corps will ensure that the State or local program, by itself or with appropriate conditions, will protect the aquatic environment, including wetlands, to the level required by the section 404 program.

8. This guidance expires 31 December 1997 unless sooner revised or rescinded.

For The Commander:

Arthur E. Williams,

Major General, USA, Director of Civil Works.

Regulatory Guidance Letter (92–2)

RGL 92–2:
Date: June 26, 1992.
Expires: December 31, 1995.
CECW–OR

Subject: Water Dependency and Cranberry Production.

1. Enclosed for implementation is a joint Army Corps of Engineers/ Environmental Protection Agency Memorandum to the Field on water dependency and cranberry production. This guidance was developed jointly by the Army Corps of Engineers and the U.S. Environmental Protection Agency.

2. This guidance will expire 31 December 1995 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore, P.E.,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Memorandum to the Field

Subject: Water Dependency and Cranberry Production.

1. The purpose of this memorandum is to clarify the applicability of the Section 404(b)(1) Guidelines water dependency provisions (40 CFR 230.10(a)) to the cultivation of cranberries, in light of Army Corps of Engineers (Corps) regulations at 33 CFR 323.4(a)(1)(iii)(C)(1)(ii) and (iii), and Environmental Protection Agency (EPA) regulations at 40 CFR 232.3(d)(3)(i)(B) and (C). These sections of the Corps and EPA regulations state, among other things, that cranberries are a wetland crop, and that some discharges associated with cranberry production are considered exempt from regulation under the provisions of Section 404(f) of the Clean Water Act. The characterization of cranberries as a wetland crop has led to inconsistency in determining if cranberry production is a water dependent activity as defined in the Section 404(b)(1) Guidelines (Guidelines).

2. The intent of Corps regulations at 33 CFR 320.4(b) and of the Guidelines is to avoid the unnecessary destruction or alteration of waters of the U.S., included wetlands, and to compensate for the unavoidable loss of such waters. The Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (see 40 CFR 230.10(a)). Based on this provision, an evaluation is required in every case for use of non-aquatic areas and other aquatic sites that would result in less adverse impact to the aquatic ecosystem, irrespective of whether the discharge site is a special aquatic site or whether the activity associated with the discharge is water dependent. A permit cannot be issued, therefore, in circumstances where an environmentally preferable practicable alternative for the proposed discharge exists (except as provided for under Section 404(b)(2)).

3. For proposed discharges into wetlands and other "special aquatic sites," the Guidelines alternatives analysis requirement further considers whether the activity associated with the proposed discharge is "water dependent". The Guidelines define water dependency in terms of an activity requiring access or proximity to or siting within a special aquatic site to fulfill its basic project purpose. Special aquatic sites (as defined in 40 CFR 230.40–230.45) are: (1) Sanctuaries and refuges; (2) wetlands; (3) mud flats; (4) vegetated shallows; (5) coral reefs; and (6) riffle and pool complexes. If an activity is determined not to be water dependent, the Guidelines establish the following two presumptions (40 CFR 230.10(a)(3)) that the applicant is required to rebut before satisfying the alternatives analysis requirements:

a. That practicable alternatives that do not involve special aquatic sites are presumed to be available; and,

b. That all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem.

It is the responsibility of the applicant to clearly rebut these presumptions in order to demonstrate compliance with the Guidelines alternatives test.

4. If an activity is determined to be water dependent, the rebuttable presumptions stated in paragraph 3 of this memorandum do not apply. However, the proposed discharge, whether or not it is associated with a water dependent activity, must represent the least environmentally damaging practicable alternative in order to comply with the alternatives analysis requirement of the Guidelines as described in paragraph 2 of this memorandum.

5. As previously indicated, Corps and EPA regulations consider cranberries as a wetland crop species. This characterization of cranberries as a wetland crop species is based primarily on the listing of cranberries as an obligate hydrophyte in the National List of Plant Species That Occur in Wetlands (U.S. Fish and Wildlife Service Biological Report 88(26.1–26.13)) and the fact that cranberries must be grown in wetlands or areas altered to create a wetland environment. Therefore, the Corps and EPA consider the construction of cranberry beds, including associated dikes and water control structures associated with dikes (i.e., headgates, weirs, drop inlet structures), to be a water dependent activity. Consequently, discharges directly associated with cranberry bed construction are not subject to the presumptions applicable to non-water dependent activities discussed in paragraph 3 of this memorandum. However, consistent with the requirements of Section 230.10(a), the proposed discharge must represent the least environmentally damaging practicable alternative, after considering aquatic and non-aquatic alternatives as appropriate. To be considered practicable, an alternative must be available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. For commercial cranberry cultivation, practicable alternatives may include upland sites with proper characteristics for creating the necessary conditions to grow cranberries. Factors that must be considered in making a determination of whether or not upland alternatives are practicable include soil pH, topography, soil permeability, depth to bedrock, depth to seasonal high water table, adjacent land uses, water supply, and, for expansion of existing cranberry operations, proximity to existing cranberry farms. EPA Regions and Corps Districts are encouraged to work together with local cranberry growers to refine these factors to reflect their regional conditions.

6. In contrast, the following activities often associated with the cultivation and harvesting of cranberries are not considered water dependent: construction of roads, ditches, reservoirs, and pump houses that are used during the cultivation of cranberries, and construction of secondary support facilities for shipping, storage, packaging, parking, etc. Therefore, the rebuttable practicable alternatives presumptions discussed in paragraph 3 of this memorandum apply to the discharges associated with these non-water dependent activities. However, since determinations of practicability under the Guidelines includes consideration of cost, technical, and logistics factors, determining the availability of practicable alternatives to discharges associated with these non-water dependent activities must involve consideration of the need of an alternative to be proximate to the cranberry bed in order to achieve the

basic project purpose of cranberry cultivation. Once it has been determined that the location of the cranberry bed, including associated dikes, and water control structures, represents the least environmentally damaging practicable alternative, practicable alternatives for maintenance roads, ditches, reservoirs and pump houses will generally be limited to the bed itself and the area in the vicinity of the actual bed. For example, the bed dikes may be the only practicable alternative for location of maintenance roads. When practicable alternatives cannot be identified within such geographic constraints, the applicant must minimize the impacts of the roads, reservoirs, etc., to the maximum extent practicable.

7. During review of applications for discharges associated with cranberry cultivation, it is important to reiterate that proposed discharges must also comply with the other requirements of the Guidelines (i.e., 40 CFR 230.10 (b), (c) and (d)). In addition, evaluations of all discharges, whether or not the proposed discharge is associated with a water dependent activity, must comply with the provisions of the National Environmental Policy Act, including an investigation of alternatives to the proposed discharge. Further, applications for discharges associated with cranberry cultivation will continue to be evaluated in accordance with current Corps and EPA policy and practice concerning mitigation, cumulative impact analysis, and public interest review factors.

8. This guidance expires 31 December 1995 unless sooner revised or rescinded.

For the Director of Civil Works:

Robert H. Wayland, III,

Director, Office of Wetlands, Oceans, and Watersheds, Environmental Protection.

John P. Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Regulatory Guidance Letter (92–3)

RGL 92–3:

Date: August 19, 1992.

Expires: December 31, 1997.

Subject: Extension of Regulatory Guidance Letter (RGL) 86–10 RGL 86–10, subject: "Special Area Management Plans (SAMPs)" is extended until 31 December 1997 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

RGL 86–10

Special Area Management Plans (SAMPs)

Issued: October 2, 1986.

Expired: December 31, 1988.

1. The 1980 Amendments to the Coastal Zone Management Act define the SAMP process as "a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies, standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone." This process of collaborative interagency planning within a geographic area of special sensitivity is just as applicable in non-coastal areas.

2. A good SAMP reduces the problems associated with the traditional case-by-case review. Developmental interests can plan with predictability and environmental interests are assured that individual and cumulative impacts are analyzed in the context of broad ecosystem needs.

3. Because SAMPs are very labor intensive, the following ingredients should usually exist before a district engineer becomes involved in a SAMP:

a. The area should be environmentally sensitive and under strong developmental pressure.

b. There should be a sponsoring local agency to ensure that the plan fully reflects local needs and interests.

c. Ideally there should be full public involvement in the planning and development process.

d. All parties must express a willingness at the outset to conclude the SAMP process with a definitive regulatory product (see next paragraph).

4. An ideal SAMP would conclude with two products: (1) Appropriate local/state approvals and a Corps general permit (GP) or abbreviated processing procedure (APP) for activities in specifically defined situations; and (2) a local/state restriction and/or an Environmental Protection Agency (EPA) 404(c) restriction (preferably both) for undesirable activities. An individual permit review may be conducted for activities that do not fall into either category above. However, it should represent a small number of the total cases addressed by the SAMP. We recognize that an ideal SAMP is difficult to achieve, and, therefore, it is intended to represent an upper limit rather than an absolute requirement.

5. Do not assume that an environmental impact statement is automatically required to develop a SAMP.

6. EPA's program for advance identification of disposal areas found at 40 CFR 230.80 can be integrated into a SAMP process.

7. In accordance with this guidance, district engineers are encouraged to participate in development of SAMPs. However, since development of a SAMP can require a considerable investment of time, resources, and money, the SAMP process should be entered only if it is likely to result in a definitive regulatory product as defined in paragraph 4 above.

8. This guidance expires 31 December 1988 unless sooner revised or rescinded.

For the Chief of Engineers:

Peter J. Offringa,

Brigadier General, USA, Deputy Director of Civil Works.

Regulatory Guidance Letter (RGL–92–4)

Date: September 14, 1992.

Expires: January 21, 1997.

Subject: Section 401 Water Quality Certification and Coastal Zone Management Act Conditions for Nationwide Permits.

1. The purpose of this Regulatory Guidance Letter (RGL) is to provide additional guidance and clarification for divisions and districts involved in developing acceptable conditions under the Section 401 Water Quality Certifications and Coastal Zone Management Act (CZM) concurrences for the Nationwide Permit (NWP) Program. This RGL represents a clarification of 330.4(c)(2) and (3) and 330.4(d)(2) and (3), concerning when NWP section 401 and CZM conditions should not be accepted and thus treated as a denial without prejudice. The principles contained in this RGL also apply to 401 certification and CZM concurrence conditions associated with individual permits and regional general permits.

2. Corps divisions and districts should work closely and cooperatively with the States to develop reasonable 401 and CZM conditions. All involved parties should participate in achieving the purpose of the NWP program, which is to provide the public with an expeditious permitting process while, at the same time, safeguarding the environment by only authorizing activities which result in no more than minimal individual and cumulative adverse effects. When a State certifying

agency or CZM agency proposes conditions, the division engineer is responsible for determining whether 401 Water Quality Certification or CZM concurrence conditions are acceptable and comply with the provisions of 33 CFR 325.4. In most cases it is expected that the conditions will be acceptable and the division engineer shall recognize these conditions as regional conditions of the NWP's.

3. *Unacceptable Conditions:* There will be cases when certain conditions will clearly be unacceptable and those conditioned 401 certifications or CZM concurrences shall be considered administratively denied. Consequently, authorization for an activity which meets the terms and conditions of such NWP(s) is denied without prejudice.

a. Illegal conditions are clearly unacceptable. Illegal conditions would result in violation of a law or regulation, or would require an illegal action. For example, a condition which would require an applicant to obtain a 401 certification or CZM concurrence, where the State has previously denied certification or concurrence, prior to submitting a predischarge notification (PDN) to the Corps in accordance with PDN procedures, would violate the Corps regulation at 33 CFR 330.4(c)(6). Another example would be a case where an applicant would be required, through a condition, to apply for an individual Department of the Army permit. Another example is a requirement by the State agency to utilize the 1989 Federal Wetland Delineation Manual to establish jurisdiction.

b. As a general rule, a condition that would require the Corps or another Federal agency to take an action which we would not otherwise take and do not choose to take, would be clearly unacceptable. For example, where the certification or concurrence is conditioned to require a PDN, where the proposed activity did not previously require a PDN, the Corps should not accept that condition, since implicitly the Corps would have to accept and utilize the PDN. Another example would be a situation where the U.S. Fish and Wildlife Service is required, through a condition, to provide any type of formal review or approval.

c. Section 401 or CZM conditions which provide for limits (quantities, dimensions, etc.) different from those imposed by the NWP do not change the NWP limits.

1. Higher limits are clearly not acceptable. For example, increasing NWP 18 for minor discharges from 10 to 50 cubic yards would not be acceptable. Such conditions would confuse the regulated public and could contribute to violations.

2. Lower limits are acceptable but have the effect of denial without prejudice of those activities that are higher than the Section 401 or CZM condition limit but within the NWP limit. Thus, if an applicant obtains an individual 401 water quality certification and/or CZM concurrence for work within the limits of an NWP where the State had denied certification and/or CZM concurrence, then the activity could be authorized by the NWP.

d. A condition which would delete, modify, or reduce NWP conditions would be clearly unacceptable.

4. *Discretionary Enforcement;* The initiation of enforcement actions by the Corps, whether directed at unauthorized activities or to ensure compliance with permit conditions, is discretionary. The district engineer will consider the following situations when determining whether to enforce 401 and/or CZM conditions.

a. Unenforceable Conditions—Some conditions that a State may propose will not be reasonably enforceable by the Corps (e.g., a condition requiring compliance with the specific terms of another State permit). Provided such conditions do not violate paragraph 3 above, the conditions will be accepted by the Corps as regional conditions. However, limited Corps resources should not be utilized in an attempt to enforce compliance with 401 or CZM conditions which the district engineer believes to be essentially unenforceable, or of low enforcement priority for limited Corps resources.

b. Enforceable Conditions—Some other conditions proposed by a State may be considered enforceable, (e.g., a condition requiring the applicant to obtain another State permit), but of low priority for Federal enforcement, since the Federal Government would not have required those conditions but for the State's requirement. Furthermore, the Corps will generally not enforce such State-imposed conditions except in very unusual cases, due to our limited personnel and financial resources.

5. *NWP Verification and PDN Responses:* In response to NWP verification requests and PDN's, district engineers should utilize the sample paragraphs presented below. This language should be used where conditional 401 certification or CZM concurrence has been issued. This specifically addresses situations when the conditions included with the certification or concurrence are such that the district engineer determines they are unenforceable or the district engineer cannot clearly determine compliance with the 401/CZM conditions (see 4.a.).

"Based on our review of your proposal to [describe proposal], we have determined that the activity qualifies for the nationwide permit authorization [insert NWP No(s.)], subject to the terms and conditions of the permit.

[Insert paragraph on any Corps required activity-specific conditions].

Enclosed you will find a copy of the Section 401 Water Quality Certification and/or Coastal Zone Management special conditions, which are conditions of your authorization under Nationwide Permit [insert NWP No(s.)]. If you have questions concerning compliance with the conditions of the 401 certification or Coastal Zone Management concurrence, you should contact the [insert appropriate State agency].

If you do not or cannot comply with these State Section 401 certification conditions and/or CZM conditions, then in order to be authorized by this Nationwide Permit, you must furnish this office with an individual 401 certification or Coastal Zone Management concurrence from [insert appropriate State agency], or a copy of the application to the State for such certification or concurrence, [insert "60 days" for Section 401 water quality certification, unless another reasonable period of time has been determined pursuant to 33 CFR 330.4(c)(6), or insert "six months" for CZM concurrence] after you submit it to the State agency."

6. This guidance expires 21 January 1997 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore, P.E.,

Chief, Operations, Construction Readiness Division.

Regulatory Guidance Letter (RGL 92–5)

RGL92–5: Date: October 29, 1992.

Expires: December 31, 1997.

Subject: Altenatives Analysis Under the Section 404(b)(1) Guidelines for Projects Subject to Modification Under the Clean Air Act.

1. Enclosed for implementation is a joint Army Corps of Engineers/ Environmental Protection Agency Memorandum to the Field on alternatives analysis for existing power plants that must be modified to meet requirements of the 1990 Clean Air Act. This guidance was developed jointly by the Corps and EPA.

2. This guidance expires 31 December 1997 unless sooner revised or rescinded.

For the Director of Civil Works:

Encl

John P. Elmore, P.E.,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

EPA/CORPS Joint Memorandum for the Field

Subject: Alternatives Analysis under the Section 404(b)(1) Guidelines for Projects Subject to Modification Under the Clean Air Act 1. The 1990 Clean Air Act (CAA) amendments require most electric generating plants to reduce emissions of sulfur dioxide in phases beginning in 1995 and requiring full compliance by 2010. The Congressional endorsement of the industry's ability to select the most effective compliance method (e.g., sulfur dioxide scrubbers, low sulfur coal, or other methods) recognizes the expertise of the industry in these cases and is a fundamental element in the CAA market-based pollution control program. Given the need for cooling water, a substantial number of electric power generating plants are located adjacent, or in close proximity, to waters of the United States, including wetlands. Depending on the method chosen by the plants to reduce emissions, we expect that these facilities will be applying for Clean Water Act Section 404 permits for certain proposed activities.

2. The analysis and regulation under Section 404 of the Clean Water Act of activities in waters of the United States conducted by specific power plants to comply with the 1990 Clean Air Act amendments must ensure protection of the aquatic environment consistent with the requirements of the Clean Water Act. The review of applications for such projects will fully consider, consistent with requirements under the Section 404(b)(1) Guidelines, all practicable alternatives including non-aquatic alternatives, for proposed discharges associated with the method selected by the utility to comply with the 1990 Clean Air Act amendments. For the purposes of the Section 404(b)(1) Guidelines analysis, the project purpose will be that pollutant reduction method selected by the permit applicant.

3. For example, a utility may have decided to install sulfur dioxide scrubbers on an existing power plant in order to meet the new 1990 Clean Air Act standards. The proposed construction of the scrubbers, treatment ponds and a barge unloading facility could impact wetlands. In this case, the Section 404 review would evaluate practicable alternative locations and configurations for the scrubbers, ponds and of the docking facilities. The analysis will also consider practicable alternatives which satisfy the project purpose (i.e., installing scrubbers) but which have a less adverse impact on the aquatic environment or do not involve discharges into waters of the United States. However, in order to best effectuate Congressional intent reflected in the CAA that electric utilities retain flexibility to reduce sulfur dioxide emissions in the most cost effective manner, the Section 404 review should not evaluate alternative methods of complying with the Clean Air Act standards not selected by the applicant (e.g., in this example use of low sulfur coal).

4. In evaluating the scope of practicable alternatives which satisfy the project purpose (e.g., constructing additional scrubber capacity), the alternatives analysis should not be influenced by the possibility that, based on a conclusion that practicable upland alternatives are available to the applicant, the project proponent may decide to pursue other options for meeting Clean Air Act requirements. Continuing the above example, a Corps determination that practicable upland alternatives are available for scrubber waste disposal should not be affected by the possibility that an applicant may subsequently decide to select a different method for meeting the Clean Air Act standards (e.g., use of low sulfur coal that reduces waste generated by scrubbers).

5. The Corps and EPA will also recognize the tight time-frames under which the industry must meet these new air quality standards.

Robert H. Wayland,

Director, Office of Wetlands, Oceans and Watersheds.

John P. Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

[FR Doc. 93–7570 Filed 3–31–93; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before May 3, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 708–5174. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: March 25, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.

Title: Application for Federal Financial Assistance under Part B of the Drug Free Schools and Communities Act.

Frequency: Annually.

Affected Public: State or local governments.
Reporting Burden:
Responses: 57.
Burden Hours: 1,824.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by State Educational agencies to apply for funding under the Drug Free Schools and Communities Act. The Department will use the information to make grant awards.

Office of Special Education and Rehabilitative Services

Type of Review: Regular.
Title: State Plan for Independent Living.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 80.
Burden Hours: 4,000.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: A State plan for Independent Living is required for a State to receive funds under title VII, chapter I of the Rehabilitation Act for Independent Living Program to serve individuals with severe disabilities.

Office of Postsecondary Education

Type of Review: Revision.
Title: Summary Data Sheet/Listing Form for the Federal Perkins and National Direct Student Loan Programs.
Frequency: Annually.
Affected Public: Individuals or households; state or local governments; federal agencies or employees; non-public institutions.
Reporting Burden:
Responses: 57.
Burden Hours: 570.
Recordkeeping Burden:
Recordkeepers: 57.
Burden Hours: 3.
Abstract: ED request State Education Agencies to complete this form in order to create a national directory. The state agencies complete the Summary Data Sheet and the State Listing of Schools. ED transposes the data in order to create/update a national directory on low-income elementary and secondary schools. ED uses this directory to satisfy inquiries made by universities, colleges, teachers, students and other public interest groups.

[FR Doc. 93–7506 Filed 3–31–93; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Massachusetts Institute of Technology (MIT); Financial Assistance Award (Grant)

AGENCY: U.S. Department of Energy.

ACTION: Notice of intent to make a financial assistance award to Massachusetts Institute of Technology (MIT) on a sole-source basis.

SUMMARY: Pursuant to 10 CFR 600.7(b), the U.S. DOE announces it is restricting eligibility for award of Grant No. DE–FG03–93SF19607 to the Massachusetts Institute of Technology (MIT) to conduct a study on the Socio-economic Acceptability for the Next Generation of Nuclear Power Plants.

SUPPLEMENTARY INFORMATION: The project will be performed by the Program for Advanced Nuclear Studies at MIT under their public communications and consensus building activities. The objective is to achieve consensus involving diverse constituencies on difficult socioeconomic issues related to public acceptance of the safety and economics of deployment of the next generation of nuclear power stations. The project will rely on the public communications and the consensus building capabilities and experience of the MIT program, and will be accomplished through discussions involving leaders from nuclear power; governmental and environmental protection organizations. Topics to be explored in these discussions should include, but are not limited to: Nuclear power related to utility management and regulation; severe accident performance of nuclear reactors and public acceptance; relevance of advanced reactor development activities to strategic energy and environmental problems; nuclear plant siting and public acceptance; potential national nuclear policy conflicts and the nuclear safety licensing process; storage of high level nuclear waste and United States and International issues relating to the above topics. This grant will be awarded to MIT on a sole source basis because the Program for Advanced Nuclear Power Studies has exclusive domestic capability to perform the project successfully based on the unique nature of the program, the expertise of the personnel and the successful work of the program in conducting similar public communications and consensus building efforts through writings and speakings by the faculty at international conferences. MIT is expected to cost-share the project on an equal basis with the DOE.

FOR FURTHER INFORMATION CONTACT: James H. Solomon, DOE San Francisco Field Office, 1333 Broadway, Oakland, CA 94612, (510) 273–7117.

Issued in Oakland March 15, 1993.

Aundra Richards,
Chief, NE/SF Branch.

[FR Doc. 93–7595 Filed 3–31–93; 8:45 am]
BILLING CODE 6450–01–M

Federal Assistance Award to Osmotek Inc.

AGENCY: Department of Energy.

ACTION: Notice of financial assistance award in response to an unsolicited financial assistance application.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.14, is announcing its intention to enter into a cooperative agreement with the Osmotek Inc. for development of a system for recovery of chemicals in paper mills using electrolysis.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: M.A. Barron, Contract Specialist. The Contracting Officer is Paul K. Kearns.

SUPPLEMENTARY INFORMATION: The project involves pilot scale evaluations of a system for recovery of chemicals from black liquor and bleach effluents in pulp plants that use the Kraft process for making pulp to be used in the paper industry.

The key technology is a patented membrane support system that greatly reduces fouling thereby allowing electrolytic recovery of chemicals from streams which previously fouled membranes. The approach has been successfully demonstrated in the laboratory on two pulp mill streams: Kraft black liquor and alkaline bleach effluent.

The pilot plant will be installed at Boise Cascade's Wallula Washington mill and be operated continuously 24 hours per day and seven days per week. Economic, technical, and environmental viability for a large scale system will be assessed from the pilot plant data.

The total project is estimated to cost $4,800,000 of which approximately $2,600,000 will be provided by the participant and the paper industry.

Issued in Chicago, Illinois, on March 22, 1993.

Timothy S. Crawford,
Assistant Manager for Administration.

[FR Doc. 93–7596 Filed 3–31–93; 8:45 am]
BILLING CODE 6450–01–M

Award of a Cooperative Agreement, Noncompetitive Financial Assistance

AGENCY: DOE, Nevada Field Office.

ACTION: Notice of intent to award on a noncompetitive basis.

SUMMARY: DOE, Nevada Field Office, announces that pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b)(2)(i)(G), "A specific recipient has been statutorily designated," it intends to award a cooperative agreement on a noncompetitive basis to the Desert Research Institute (DRI), University and Community College System of Nevada, to facilitate participation in the Yucca Mountain Site Characterization Project.

SUPPLEMENTARY INFORMATION: The Nuclear Waste Policy Act of 1982 (NWPA) implemented a federal policy decision to concentrate DOE disposal and research efforts in the development of a mined geologic repository. The Nuclear Waste Policy Amendments Act of 1987 (NWPAA) restricted DOE efforts in site characterization to the Yucca Mountain site in Nevada. Public Law 102–377 serves as the basis of DOE's intent to award DRI a cooperative agreement (106 Stat. 1334). DRI has been involved since the onset of the repository related work being conducted. The role of DRI has included work in paleoclimatology, climatology, and transportation as well as other areas of concern. DRI's position in the Nevada academic community creates an environment in which dedicated participation in the current nuclear waste repository process is a logical and necessary accompaniment to the DOE effort.

PROJECT SCOPE: DRI will participate in research and documentation activities to include review of documents, laboratory research, climatology and paleoclimatic studies, and involvement in new and ongoing subsurface activities such as geology, hydrology, and seismic/tectonics. Contact between the Yucca Mountain Project participants and DRI is anticipated to be extensive. Activities undertaken over the five year period of the agreement will reflect a changing emphasis on particular aspects of the Yucca Mountain Site Characterization Project as progress continues toward completing characterization.

The project period for the cooperative agreement is a five-year period expected to begin April 30, 1993. The amount requested for FY 1993 is $800,000. A maximum funding level for the total five years is anticipated to be $4,000,000.

FOR FURTHER INFORMATION CONTACT: DOE, Yucca Mountain Site Characterization Project Office, Attn: Birdie Hamilton-Ray, P.O. Box 98608, Las Vegas, NV 89193–8608.

Issued in Las Vegas, Nevada on March 22, 1993.

Nick C. Aquilina,

Manager, NV.

[FR Doc. 93–7597 Filed 3–31–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Energy Research Financial Assistance Program Notice 93–14: Atmospheric Radiation Measurement (ARM) Program

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research, U.S. Department of Energy (DOE), hereby announces its interest in receiving applications to support the experimental and theoretical study of radiation and clouds in conjunction with the Atmospheric Radiation Measurement (ARM) Program as part of the U.S. Global Change Research Program (USGCRP). This notice requests applications for grants to support:

(Category 1): The modeling and analysis of data relating to the parameterization of clouds in General Circulation Models (GCMs) and related models. The parameterizations must include the full life cycle of the cloud type being modeled. This involves the modeling and scientific portion of the ARM Program and includes process level models of clouds which can lead to improved GCMs.

(Category 2): The development of advanced instrumentation for high accuracy/precision radiometric observations and for profiling water vapor in the atmosphere and lower stratosphere.

(Category 3): The use of ARM data to support activities in other programs with goals related to those of ARM through unfunded participation in the ARM Science Team.

(Category 4): Continuation of activities previously funded by DOE under Special Research Grant Program Notice 90–4 dated February 27, 1990 (with grants awarded in the fall of 1990).

DATES: Formal applications submitted in response to this notice must be received by 4:30 p.m., E.D.T., May 4, 1993, to permit timely consideration for award in Fiscal Year 1994.

ADDRESSES: Formal applications referencing Program Notice 93–14 should be forwarded to: U.S. Department of Energy, Office of Energy Research, Acquisition and Assistance Management Division, ER–64, Washington, DC 20585, ATTN: Program Notice 93–14. The following address must be used when submitting applications by U.S. Postal Service Express Mail, any commercial mail delivery service, or when hand carried by the applicant: U.S. Department of Energy, Office of Energy Research, Acquisition and Assistance Management Division, ER–64, 19901 Germantown Road, Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Peter W. Lunn, Environmental Sciences Division, Office of Health and Environmental Research, ER–74 (GTN), Washington, DC 20585, telephone (301) 903–4819.

SUPPLEMENTARY INFORMATION: One of the major scientific objectives of the Environmental Sciences Division is to improve the performance of predictive models of the Earth's climate and to thereby make predictions of the response of the climate system to increasing concentrations of greenhouse gases. The purpose of the ARM Program is to improve the treatment of radiation and clouds in the models used to predict future climate, particularly the General Circulation Models (GCMs). This program is one element of a major effort to improve the quality of current models and to support the development of sets of climate models capable of making regional predictions of climate and climate change. The major component of the ARM Program is an experimental testbed for the study of models of the terrestrial radiation field, properties of clouds, the full life cycle of clouds, and the incorporation of these process-level models into climate models. This testbed is referred to as the Cloud and Radiation Testbed (CART). The first ARM CART site began operation in calendar year 1992, with instruments spread over an area of approximately 60,000 sq. km., centered on Lamont, Oklahoma. Sites are planned for the Tropical Western Pacific Ocean and the North Slope of Alaska which are expected to begin operation during the next four years, followed by up to two more sites at later dates. Each site is intended to be in operation for approximately 10 years.

To ensure that the program meets the broadest needs of the research community and the specific needs of the DOE Environmental Sciences Division (ESD), successful applicants will

participate as ARM Science Team members along with selected scientists from other ESD programs that relate to the ARM Program. Costs for participation in ARM Science Team meetings and subcommittee meetings should be based on two trips of 1 week each to Washington, DC, and two (2) trips of 3 days each to Chicago, IL.

Successful applicants for grants in support of Category 1 will participate in the modeling and scientific portion of the ARM Program. These applicants must demonstrate the role of their research in the improvement of General Circulation Models and/or related models and delineate the path that their results will take to make those improvements. It is anticipated that successful applicants will be involved in one or more of four activities: (a) The development of cloud life cycle models and parameterization or the testing of these models in GCMs or process-level models; (b) experimental studies at CART facilities to test elements of models and their performance or to obtain key laboratory data; (c) the analysis of existing data, including field data and satellite data, to support model development or testing; and (d) the development of new analytic methods combining ARM data and other data such as satellite data to support the experimental efforts of ARM Science Team members involved in activities a, b, and c (above). These efforts should have as a focus the conduct of research using the CART facilities either in operation or being developed for ARM. Successful applicants will participate in the continuing development of the detailed experimental approaches for CART and guide the evolving development and acquisition of the experimental equipment.

Successful applicants for participation in the ARM advanced instrument development program, Category 2, will either: (a) Develop instruments to meet the long-term need of the ARM Program for deployment of improved radiometric sensors, both broad-band and spectrally-resolved. Of particular interest are instruments capable of high-precision radiometric calibration. Each application should contain in appropriate detail a discussion of the accuracy and precision of the proposed measurement methodology as a function of wavelength and the relevance of the resulting measurements to testing models of atmospheric radiative processes; or (b) Develop instruments to meet the long-term need of the ARM Program for the deployment of improved systems for the measurement of the spatial distribution of all three phases of water, with particular emphasis on water vapor profiles. Each application should contain in appropriate detail a discussion of the accuracy and precision of the proposed measurement methodology as a function of altitude and the relevance of the resulting measurements to testing models of atmospheric radiative processes.

Successful applicants for participation in the unfunded ARM Science Team, Category 3, will apply ARM data to research programs of interest to DOE and related to ARM goals, but which are funded by other sources. While ARM data is available through the ARM Data Archive at Oak Ridge National Laboratory, ARM Science Team participation provides investigators the opportunity to receive tailored data products from the ARM Experiment Center at Pacific Northwest Laboratory and the opportunity to participate in the design of ARM facilities and experiments. While there will not be funds to support the research of applicants under this portion of this notice, some funds may be available to support the travel of successful applicants to participate in ARM Science Team activities as indicated below. The number of participants which will be selected under this portion of this notice may be limited to no more than 20 teams. Preference will be given to participants whose goals are related to the general goals of ARM outlined above; Global Energy and Water Experiment (GEWEX) and its associated programs; the study of aerosols and their effect on the radiative transfer, including visibility studies; and the transfer of UV–B radiation through the atmosphere.

Successful applicants for continuation of grants placed under Program Notice 90–4, Category 4, will demonstrate (a) continued relevance of their work to the goals of the ARM Program; (b) the quality and relevance of work conducted under previous support to the goals of the ARM Program, including a listing of publications and presentations; and (c) relevant contribution to the development of the ARM program, particularly the design and development of CART facilities, as a result of previous funding. Applications should include a special section entitled "Accomplishments Under Previous Support" which addresses items (b) and (c) discussed directly above.

It is anticipated that approximately $8,500,000 will be available for awards for the combined activity under Categories 1, 2, and 4 above in FY 1994, contingent upon availability of appropriated funds. Multiple year funding of awards is expected, also contingent upon availability of funds. The allocation of funds among the three categories above will depend on the number and quality of the applications received. It is anticipated that a substantial fraction of the funds will support continuation of existing research under Category 4 above. Typical ESD awards are $200,000 per year, but range from $50,000 to $750,000. Collaborative applications are encouraged. Awards are anticipated to begin on or about November 1, 1993.

The technical portion of the application should not exceed twenty-five (25) doubled-spaced pages. For applicants under Category 4 above, the "Accomplishments Under Previous Support" section should not exceed ten (10) double-spaced pages. Lengthy appendices are discouraged.

Technical information on the ARM Program is available from the ARM Program Office at Pacific Northwest Laboratory, P.O. Box 999, Richland, WA 99352 (telephone (509) 375–3816) or from the Office of Scientific and Technical Information, P.O. Box 62, Oak Ridge, TN 37831 (telephone (615) 576–8401).

Information about development and submission of applications, eligibility, limitations, evaluation, selection process, and other policies and procedures, may be found in the ER Special Research Grants Application Kit and Guide and 10 CFR part 605. The application kit and guide is available from the U.S. Department of Energy, Office of Health and Environmental Research, Office of Energy Research, ER–74, Washington, DC 20585. Telephone requests may be made by calling (301) 903–4208.

The Catalog of Federal Domestic Assistance Number for this program is 81.049.

D. D. Mayhew,

Director, Office of Management, Office of Energy Research.

[FR Doc. 93–7601 Filed 3–31–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. CP93–258–000, et al.]

Mojave Pipeline Company, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Mojave Pipeline Co.

[Docket No. CP93–258–000]

March 23, 1993.

Take notice that on March 17, 1993, Mojave Pipeline Company (Mojave), filed in Docket No. CP93–258–000 an application pursuant to section 7(c) of the Natural Gas Act and subpart E of the Federal Energy Regulatory Commission's (FERC's) regulations thereunder for a certificate of public convenience and necessity under optional procedures contained in subpart E of part 157 authorizing Mojave to construct, operate, and own certain pipeline expansion facilities (the Northward Expansion Facilities).

Project Description

Mojave submits for Commission review two alternative designs for the Northward Expansion Facilities that would extend Mojave's system in a northerly direction from the terminus of its existing East Lateral to points near Benicia, California, Sacramento, California, and to various points around the San Francisco Bay area.

Under its Case 1, Mojave proposes to construct a 475 MMcf/d expansion on a stand-alone basis. This expansion would require the construction of about 599 miles of new mainline and looping of existing facilities, about 102,000 horsepower of new compression and as well as about 40 additional meter stations. Mojave estimates the cost of its Case 1 facilities at $467.8–million.

Under Mojave's Case 2, Mojave's proposed 475 MMcf/d expansion would be built in conjunction with an expansion by Kern River Pipeline Company of 452 MMcf/d. Essentially Mojave proposes the same facilities in its Case 2 as for its Case 1, except there would be less new compression at Daggett and about 38 miles more of looping. Mojave estimates the cost of its Case 2 facilities at $467.7–million. Kern River's request for authorization to construct and operate its expansion facilities is currently pending in Docket No. CP92–198–000.

Mojave proposes to provide open access, transportation service on a firm and interruptible basis over its proposed Northerward Expansion Facilities. Mojave proposes to charge its expansion shippers an incremental rate. Mojave proposes to design its expansion rates using the straight-fixed variable cost classification and cost allocation methodology. Mojave contemplates an in-service date of April 1, 1995. Mojave requests a certificate on or before April 1, 1994 in order to meet its in-service date. Mojave also requests a preliminary determination resolving the non-environmental issues prior to the completion of its environmental review.

Comment date: April 13, 1993, in accordance with Standard Paragraph F at the end of this notice.

2. Frontier Gas Storage Co.

[Docket No. CP85–221–012]

March 23, 1993.

Take notice that on March 17, 1993, Frontier Gas Storage Company (Frontier), c/o Reid & Priest, Market Square, 701 Pennsylvania Ave., NW., Washington, DC 20004, in compliance with the provisions of the Commission's February 13, 1985 Order in Docket No. CP82–487–000 *et al.*, submitted an executed Service Agreement under Rate Schedule LVS–1 providing for the possible sale of up to 5 Bcf of Frontier's gas storage inventory on an "as metered" basis to Prairielands Energy Marketing, Inc. (Prairielands). The Service Agreement, dated March 16, 1993, contemplates the possible sale to commence April 1, 1993.

Under Subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985 Order, Frontier is "authorized to commence this sale of its inventory under such an executed service agreement fourteen days after the filing of the agreement with the Commission and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter."

Comment date: April 13, 1993, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Frontier Gas Storage Co.

[Docket No. CP85–221–011]

March 23, 1993.

Take notice that on March 17, 1993, Frontier Gas Storage Company (Frontier), c/o Reid & Priest, Market Square, 701 Pennsylvania Ave., NW., Washington, DC 20004, in compliance with the provisions of the Commission's February 13, 1985 Order in Docket No. CP82–487–000 *et al.*, submitted an executed Service Agreement under Rate Schedule LVS–1 providing for the possible sale of up to 5 Bcf of Frontier's gas storage inventory on an "as metered" basis to Interenergy Resources Corporation (Interenergy). The Service Agreement, dated March 16, 1993, contemplates the possible sale to commence April 1, 1993.

Under Subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985 Order, Frontier is "authorized to commence this sale of its inventory under such an executed service agreement fourteen days after the filing of the agreement with the Commission and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter."

Comment date: April 13, 1993, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Frontier Gas Storage Co.

[Docket No. CP85–221–013]

March 23, 1993.

Take notice that on March 18, 1993, Frontier Gas Storage Company (Frontier), c/o Reid & Priest, Market Square, 701 Pennsylvania Ave., NW., Washington, DC 20004, in compliance with the provisions of the Commission's February 13, 1985 Order in Docket No. CP82–487–000 *et al.*, submitted an executed Service Agreement under Rate Schedule LVS–1 providing for the possible sale of up to 1 Bcf of Frontier's gas storage inventory on an "as metered" basis to Rainbow Gas Company (Rainbow). The Service Agreement, dated March 17, 1993, contemplates the possible sale to commence April 1, 1993.

Under subpart (b) of Ordering Paragraph (F) of the Commission's February 13, 1985 Order, Frontier is "authorized to commence this sale of its inventory under such an executed service agreement fourteen days after the filing of the agreement with the Commission and may continue making such sale unless the Commission issues an order either requiring Frontier to stop selling and setting the matter for hearing or permitting the sale to continue and establishing other procedures for resolving the matter."

Comment date: April 13, 1993, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Tennessee Gas Pipeline Co.

[Docket No. CP93–255–000]

March 23, 1993.

Take notice that on March 17, 1993, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an application pursuant to section 7(b) of the Natural Gas Act for authorization to partially abandon a sales service provided to East Tennessee Natural Gas Company (East Tennessee) under Rate Schedule CD–1, all as more fully set forth in the

application which is on file with the Commission and open to public inspection.

Tennessee requests specific authority to abandon in part a Maximum Daily Quantity (MDQ) of 13,265 dths of sales to East Tennessee, effective February 1, 1992. Tennessee states that the full amount of sales service authorized [1] is no longer needed. Therefore, the parties, by contract dated February 1, 1992, agreed to a lower MDQ of 391,703 Dth per day. Tennessee requests that the Commission authorize the abandonment, effective retroactively, to eliminate demand charges allocable to East Tennessee after February 1, 1992.

As stated by Tennessee, the abandonment of this service will reflect the actual service performed by Tennessee.

Comment date: April 13, 1993, in accordance with Standard Paragraph F at the end of the notice.

6. Suncor Inc., an Ontario, Canada, Corporation; PanCanadian Petroleum Company, a Delaware Corporation; and Petro-Canada Hydrocarbons Inc., a Delaware Corporation, Complainants, v. Pacific Gas Transmission Company, a California Corporation; and Pacific Gas and Electric Company, a California Corporation, Respondents.

[Docket No. CP93–260–000]

March 23, 1993.

Take notice that on March 18, 1993, Suncor Inc. (Suncor), PanCanadian Petroleum Company (PanCanadian), and Petro-Canada Hydrocarbons Inc. (Petro-Canada) referred to collectively as complainants) jointly filed a complaint against Pacific Gas Transmission Company (PGT) and Pacific Gas and Electric Company (PG&E) (jointly referred to as respondents), with the Federal Energy Regulatory Commission (Commission). Complainants allege prospective violations of the Natural Gas Act (NGA) and part 284 of the Commission's Regulations.

Complainants request that the Commission, pursuant to section 20(a) of the NGA, bring an action in a proper United States District Court to enjoin respondents' prospective violations of the NGA and to enjoin respondents' prospective violations of the Commission's regulations. Complainants also request that the Commission take other such action as is necessary and appropriate to cause respondents to cease and desist from enforcing regulations of the California Public Utilities Commission (CPUC) that improperly intrude upon the Commission's jurisdiction under the NGA.

Complainants state that each one of them has a contract with PGT for firm transportation service on the PGT expansion project. The PGT expansion project, for which a conditional certificate of public convenience and necessity was granted by this Commission on August 1, 1991 (56 FERC ¶ 61,192), is scheduled to be placed into service on or about November 1, 1993.

PGT's existing interstate pipeline and the PGT expansion facilities interconnect with the California intrastate pipeline facilities of PG&E at Malin, Oregon. PG&E has been authorized by the CPUC to expand its intrastate pipeline facilities in order to accommodate the increased deliveries of Canadian gas over the expanded PGT pipeline.

Complainants state that the CPUC has adopted regulations requiring shippers that use the PGT expansion facilities for interstate transportation also to use and pay for the intra-California expansion facilities of PG&E if they wish to sell and deliver gas to consumers in California. PGT expansion shippers will not be permitted, under the CPUC's regulations, to deliver gas directly into PG&E's pre-existing intrastate pipeline facilities at Malin, Oregon.

Complainants allege that enforcement of this CPUC-imposed "crossover ban" by PGT and PG&E will constitute a violation of sections 4(b) and 5(a) of the NGA. Complainants allege that it is unduly discriminatory for PGT and PG&E to determine a shipper's access to the PG&E intrastate transportation system based upon whether the shipper's gas is transported over PGT's existing pipeline system or over the PGT expansion pipeline.

Complainants also allege that the "tying arrangement" between the intrastate transportation on the PG&E expansion and transportation on the PGT expansion facilities will prevent competition between shippers on PGT's existing pipeline and shippers on the PGT expansion pipeline. Complainants allege that enforcement of the crossover ban will prevent the establishment of a "market center" at the Malin, Oregon delivery point on the PGT system.

Complainants further allege that enforcement of the crossover ban will place all of PGT's expansion shippers, including complainants, at a severe and unlawful competitive disadvantage vis-a-vis PG&E (PGT's corporate parent). PG&E is the sole owner of firm interstate capacity rights on the existing PGT pipeline from Kingsgate, British Columbia to Malin, Oregon.

Complainants request that the Commission obtain an injunction prohibiting respondents from enforcing the CPUC-imposed crossover ban. Complainants further request that the Commission find that the Crossover ban constitutes an *ultra vires* act by the CPUC that is inconsistent with this Commission's jurisdiction and authority under the NGA, and is thus void and unenforceable. Complainants also request that the Commission direct respondents to cease and desist from enforcement of the crossover ban, and that the Commission take such other action as is necessary to prevent respondents' enforcement of the crossover ban.

Comment date: April 22, 1993, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Answers to this complaint shall be due on or before April 22, 1993.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

[1] On January 21, 1991, the Commission authorized, among other things, Tennessee to sell an MDQ of 404,968 dths of natural gas per day to East Tennessee (55 FERC 61,499).

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing

Lois D. Cashell,

Secretary.

[FR Doc. 93–7493 Filed 3–31–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER93–26–000 and ER93–110–000]

American REF–FUEL Company of Essex County; Issuance of Letter Order

March 26, 1993.

Take notice that on March 11, 1993, the Director, Division of Applications, Office of Electric Power Regulation, pursuant to delegated authority, issued a letter order to American REF–FUEL Company of Essex County (Am REF) conditionally granting blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by Am REF.

Within thirty days of the date of this letter order, any person desiring to be heard or to protest the Commission's blanket approval of issuance of securities or assumptions of liabilities by Am REF 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214).

Absent a request for hearing within the period set forth above, Am REF is authorized to issue securities and assume liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Am REF's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 12, 1993.

Copies of the full text of the letter order are available from the Commission's Public Reference Branch, room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–7500 Filed 3–31–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–36–000]

Elm Energy & Recycling (UK) Limited; Application for Commission Determination of Exempt Wholesale Generator Status

March 26, 1993.

Take notice that on March 19, 1993, Elm Energy & Recycling (UK) Limited (Elm) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Elm states that it is the owner of electric generating facilities (the Facility) currently under construction in the West Midlands area of England. Elm further states that when the Facility is completed and operational Elm will be engaged directly and exclusively in the business of owning the Facility and selling electric energy at wholesale. Elm states that the Facility will be a 25 MW (net) electric generating facility fueled by used rubber tire and rubber tire scraps and that the Facility will be used for the generation of electric energy exclusively for sale at wholesale.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before April 16, 1993, and must be served on the applicant. 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. 93–7499 Filed 3–31–93; 8:45 am]

BILLING CODE 6707–01–M

[RS93–1–000]

Granite State Gas Transmission, Inc.; Proposed Changes in FERC Gas Tariff

March 26, 1993.

Take notice that on March 3, 1993, Granite State Gas Transmission, Inc. (Granite State) tendered for filing the following tariff sheets which Granite State proposes to become effective April 1, 1994.

Original Volume No. 50

Original Sheet No. 1
through
Original Sheet No. 600

Granite State states that these tariff sheets are being submitted to comply with the Commission's order issued November 2, 1992 in Docket No. CP92–552–000. As more fully described in the filing, the proposed tariff sheets represent the terms and conditions under which Granite State proposes to provide natural gas storage service pursuant to Commission Orders No. 636, and 636A and 636B.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426 by April 16, 1993, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests and comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants or commenters parties to the proceeding. Any person wishing to comment on said filing should file its comments by April 16, 1993. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–7497 Filed 3–31–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER92–113–001]

New England Power Company; Granting in Part Motion To Defer Filing of Firm Transmission Tariff and Establishing Date for Filing of Comments

March 26, 1993.

On March 17, 1993, New England Power Company (NEPCO) filed a motion to defer the filing of a firm transmission tariff from March 30, 1993 until the earlier of August 1994 or its next general wholesale rate case.

NEPCO states that in an offer of settlement in this proceeding, approved by the Commission on September 30, 1992, NEPCO agreed to file a tariff for firm transmission service applicable to its entire system within six months of approval of the settlement. NEPCO requests a deferral of the filing requirement from March 30, 1993 to the earlier of August 1994 or its next general wholesale rate case. NEPCO states that Northeast Utilities Service Company, the party that wanted NEPCO to commit to file the tariff, supports the requested deferral, and that counsel for each of the other parties to the offer of settlement consents to the deferral.

In support of its motion, NEPCO states that if recent progress on the negotiation of a New England Regional Transmission Arrangement (RTA) continues and results in the implementation of an RTA, then the RTA would supersede any tariff that NEPCO might now file as to most transactions. NEPCO adds that for any transactions not covered by the RTA, the provisions of any tariff that NEPCO would file would still need to be coordinated with the provisions of the RTA. Under these circumstances, although NEPCO states that an RTA is not yet assured, NEPCO states a deferral of the filing of the tariff is both logical and reasonable.

NEPCO adds that a deferral would not harm any party. NEPCO states that it currently has on file with the Commission its Transmission Tariff No. 3, which is available for entitlement wheeling across all of NEPCO's system and which thus provides access across NEPCO's system at the filed rate.

While the parties to the settlement do not object to a deferral of the filing, there may be other interested persons that do object. Accordingly, the date for the filing of the firm transmission service tariff will be deferred from March 30, 1993 to June 1, 1993, and interested persons will be given until on or before April 23, 1993 to comment on whether a longer deferral is appropriate or whether NEPCO should be required to make the required filing by June 1, 1993 or some other date.

Lois D. Cashell,

Secretary.

[FR Doc. 93–7502 Filed 3–31–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–35–000]

Pemberton Power Limited Partnership; Application for Commission Determination of Exempt Wholesale Generator Status

March 26, 1993.

Take notice that on March 18, 1993, Pemberton Power Limited Partnership (Pemberton Power) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Pemberton Power states that it is a Michigan limited partnership which is developing an electric generating facility and certain related interconnection facilities (the Facility) which will be located in New Jersey. Pemberton Power states that it will directly own and operate the Facility. When completed, the Facility will have a net electric output of between 90 MW and 160 MW. Pemberton Power states that it plans to sell the entire net electric output of the Facility to Jersey Central Power & Light Company at wholesale.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before April 9, 1993, and must be served on the applicant. 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. 93–7498 Filed 3–31–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–266–000]

Trunkline Gas Company; Request Under Blanket Authorization

March 26, 1993.

Take notice that on March 23, 1993, Trunkline Gas Company (Trunkline), Post Office Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP93–266–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Policy Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a delivery meter and approximately 2,300 feet of pipeline in Massac County, Illinois, in order to transport for Electric Energy, Inc. (EEI) pursuant to Trunkline's blanket certificate issued in Docket No. CP86–586–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

According to an interruptible transportation agreement with EEI dated March 22, 1993, Trunkline states that it will receive gas from various existing points of receipt in the States of Illinois, Louisiana, Tennessee, and Texas, from the Panhandle receipt point at Douglas County, Illinois, and from the areas of offshore Louisiana and offshore Texas. It is stated that this transportation will be based on Trunkline's currently effective Rate Schedule PT.

Trunkline proposes to install two 10-inch hot taps on the suction side of its Joppa compressor station in Massac County, Illinois, on Lines 100–1 and 100–2; approximately 2,300 feet of 10-inch pipeline from Trunkline's mainline to EEI's plant gate, a 12-inch meter with electronic gas measurement equipment, a regulator station complete with pressure control/monitor valves, and an indirect fired heater. It is further stated that the taps will be installed on existing Trunkline right-of-way. The meter site will be constructed on EEI's property, and will be approximately 150 feet long by 170 feet wide. Trunkline will construct, operate and maintain the facilities, and own the meter and regulatory, indirect fired heater, and hot taps, it is stated. Trunkline further states that EEI will own the pipeline.

Trunkline states that the projected costs of the facilities is $1,400,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–7501 Filed 3–31–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 92–160–NG]

Chevron Natural Gas Services, Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Chevron Natural Gas Services, Inc. (CNGS) authorization to import up to 100 billion cubic feet (Bcf) of natural gas and export up to 100 Bcf of natural gas from and to Mexico over a two-year period beginning on the date of the first delivery after March 31, 1993, the date CNGS' current authorization expires.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 26, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–7598 Filed 3–31–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–28–NG]

CoEnergy Ventures, Inc.; Order Granting Blanket Authorization To Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting CoEnergy Ventures, Inc. (CVI) authorization to export up to 40 billion cubic feet of natural gas to Canada over a two-year term beginning on the date of first export after November 30, 1993, the date CVI's current authorization expires.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 26, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–7600 Filed 3–31–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Cases Filed During the Week of February 26 Through March 5, 1993

During the week of February 26 through March 5, 1993, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: March 26, 1993.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Feb. 26 through Mar. 5, 1993]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 2, 1993	Dr. A. Victorian, Nottingham, England	LFA–0273	Appeal of an information request denial. If granted: The November 2, 1992 Freedom of Information Request Denial issued by the Albuquerque Operation Office would be rescinded, and Dr. A. Victorian would receive access to records and documents concerning the Special Project Section/Division of Los Alamos National Labs.
Mar. 4, 1993	Power City Electric Inc., Spokane, Washington.	LFA–0274	Appeal of an information request denial. If granted: The February 10, 1993 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Power City Electric, Inc. would receive access to information concerning the Alvey Substation construction project.

REFUND APPLICATIONS RECEIVED

[Week of Feb. 26 through Mar. 5, 1993]

Date received	Name of refund proceeding/name of refund applicant	Case No.
3/1/93	Claude P. Gragnon Wholesaler	RF356–39
2/26/93	Lloyds Shell	RF315–10278
3/1/93	Howard Oil Company, Inc	RF339–15
3 1/93	Exxon Company, USA	RF339–16

REFUND APPLICATIONS RECEIVED—Continued

[Week of Feb. 26 through Mar. 5, 1993]

Date received	Name of refund proceeding/name of refund applicant	Case No.
3/1/93	Narragansett Improvement Co	RC272–172
3/2/93	Northern Tank Line	RC272–173
3/3/93	Kash N' Karry Food Stores, Inc	RF348–1
3/4/93	Atkerson Beacon Service	RF238–89
2/26/93 thru 3/5/93	Gulf Oil Refund Applications Received	RF300–21314 thru RF300–21707
2/26/93 thru 3/5/93	Crude Oil Refund Applications Received	RF272–94377 thru RF272–94517
2/26/93 thru 3/5/93	Atlantic Richfield Applications Received	RF304–13647 thru RF304–13696
2/26/93 thru 3/5/93	Texaco Oil Refund Applications Received	RF321–19621 thru RF321–19647.

[FR Doc. 93–7599 Filed 3–31–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4609–5]

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.

DATES: Comments must be submitted on or before May 3, 1993.

FOR FURTHER INFORMATION OR A COPY OF THIS ICR CONTACT:

Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: 1993 Hazardous Waste Report System (EPA ICR #0976.06; OMB No. 2050–0024). This ICR is a reinstatement of a previously approved information collection.

Abstract: Generators and owners/operators of hazardous waste management facilities must compile a biennial report of information on location, amount and description of hazardous waste handled. EPA uses the information to define the population of the regulated community and to expand its data base of information for rulemaking and compliance with statutory requirements.

Burden Statement: The estimated average public burden for this collection of information is about 21 hours per respondent. This estimate includes all aspects of the information collection including time for reviewing instructions, gathering the data needed, reviewing the collection of information, and submitting the form.

Respondents: Generators and Handlers of Hazardous Waste.

Estimated Number of Respondents: 20,250.

Frequency of Collection: Biennial.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 234,900.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460

and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: March 26, 1993

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–7578 Filed 3–31–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4609–7]

Proposed Settlement; Uranium Mill Tailings Disposal Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; opportunity for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed settlement of the following cases: *American Mining Congress ("AMC") et al.* v. *EPA*, Nos. 90–1058, 90–1063, 90–1068, and 90–1074 (D.C. Cir.); and *EDF* v. *Reilly*, No. 92–1082 (D.C. Cir.). (The proposed settlement also addresses administrative petitions filed with EPA by the Nuclear Regulatory Commission ("NRC"), AMC, and the Homestake Mining Company.) These cases involve (1) challenges to EPA's National Emission Standards for Hazardous Substances ("NESHAPs")—Radionuclides, as concerns subpart T of 40 CFR part 61 (uranium mill tailings disposal sites), promulgated under section 112 of the Act; and (2) EPA's rule staying subpart T until it is either rescinded pursuant to section 112(d)(9) of the Act, or June 30, 1994, whichever first occurs.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

A copy of the settlement has been, or soon will be, lodged with the Clerk of the United States Court of Appeals for the District of Columbia Circuit. Copies of the settlement are also available from Diane Weeks, Division Secretary, Air and Radiation Division (LE–132A), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–7606. Written comments should also be sent to John Hannon at the above address and must be submitted on or before May 3, 1993.

Dated: March 22, 1993.

Gerald H. Yamada,

Acting General Counsel.

[FR Doc. 93–7495 Filed 3–31–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4609–9]

Waste Isolation Pilot Plant Subcommittee of the National Advisory Council for Environmental Policy and Technology Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Meeting.

SUMMARY: Under PL92563 (the Federal Advisory Committee Act), EPA gives notice of a two-day meeting of the Waste Isolation Pilot Plant subcommittee (WIPP), a subcommittee of the National Advisory Council for Environmental Policy and Technology. This will be the first meeting of the WIPP subcommittee, whose mission is to provide advice to the EPA regarding the Agency's role in reviewing the Department of Energy's activities pursuant to the Waste Isolation Pilot Plant Land Withdrawal Act (LWA) (Public Law 102–579).

Discussion at the meeting will center around EPA's review of DOE's Test Phase and Retrieval Plans. EPA staff have developed a set of proposed criteria for reviewing the adequacy of the DOE WIPP Test Phase and Retrieval Plans. The criteria include the following issue areas: completeness criteria, which tests should be included in EPA's rulemaking, a discussion of the term "directly relevant" as the terms appear in the LWA, criteria for "satisfactory" retrieval of waste, and identification of locations for storage of retrieved waste. The subcommittee will also receive a short presentation on the status of EPA's efforts to develop criteria which will be used in certifying whether the WIPP complies with the 40 CFR part 191 radioactive waste disposal standards. The second day will be committed to an open discussion by the subcommittee of the criteria options that have been presented by the EPA.

DATES: The public meeting will take place on May 3, 1993 from 9 a.m. to 4:30 p.m., and May 4, 1993 from 9 a.m. to 3 p.m.

ADDRESSES: Members of the public wishing to make comments should submit their comments, in writing, by April 23, 1993. Written comments should be submitted to: USEPA, 501 3rd Street NW., Washington, DC 20460, attn: Judy Maguire, 6602J. Written comments may also be submitted at the public meeting. The meeting will be held at Holiday Inn Midtown, 2020 Menaul NE., Albuquerque, NM., 87110, (505) 884–2511.

FOR FURTHER INFORMATION CONTACT: Judy Maguire, Office of Radiation and Indoor Air, USEPA, Mail Stop 6602 J, 501 3rd Street NW., Washington, DC 20460 (202) 233–9205.

Dated: March 26, 1993.

Abby J. Pirrie,

Director, Office of Cooperative Environmental Management.

[FR Doc. 93–7697 Filed 3–31–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4609–2]

Science Advisory Board, Executive Committee Public Meeting and SAB/EFAB Steering Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given of a public meeting of the Science Advisory Board's (SAB's) Executive Committee (EC) on Thursday and Friday, April 22–23, 1993 and a public meeting of the Steering Committee of the joint SAB/Environmental Financial Advisory Board (EFAB) project on April 23, 1993.

The meetings will be held at the Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The EC meeting will begin at 8:30 a.m. on Thursday, April 22, in the Administrator's Conference Room, W1103, and should adjourn around noon on Friday, April 23. The SAB/EFAB meeting will take place at the same location, beginning at 1 p.m. on the 23rd and adjourning no later than 5 p.m.

At its meeting, the Executive Committee plans to review the following reports from its Committees:

- Review of Guidance on the Use of Data from Cholinesterase Inhibition in Risk Assessment (prepared in conjunction with the FIFRA Scientific Advisory Panel)
- Review of the OSWER Assessment Framework for Ground-Water Model Applications
- Review of Draft Guidance for Peer Review of Computer Model Development and Application
- Review of Multi-Media Risk Assessment for Radon
- Review of the OW Approach to Costs of Radon Control or Mitigation Experienced by Households or Communities.

The tentative agenda also includes updates on the Agency's comparative risk projects, S. 110 (the proposed Environmental Risk Reduction Act), and the SAB's joint activity with the Environmental Financial Advisory Board. In addition, members of the new leadership team at the Agency will meet with the Committee.

At its meeting the SAB/EFAB Steering Committee will continue its work of investigating the utility of melding scientific, engineering, and financial advice to the Administrator.

Both meetings are open to the public. Any member of the public wishing further information concerning the meeting or who wishes to submit comments should contact Ms. Priscilla Tillery, Office of the Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, DC 20460, at (202) 260–4126 or by Fax at (202) 260–9232. Limited unreserved seating is available at the meeting.

Dated: March 26, 1993.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 93–7494 Filed 3–31–93; 8:45 am]

BILLING CODE 6450–01–M

[FRL–4609–6]

Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: The U.S. Environmental Protection Agency ("EPA")— proposes to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve past and estimated future liabilities of thirteen *de minimis* parties for costs incurred, or to be incurred, by EPA at the Shore Realty Site, also known as the Applied Environmental Services, Inc. Site in Glenwood Landing, Nassau County, New York.

DATES: Comments must be provided on or before May 3, 1993.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, New York/Caribbean Superfund Branch, room 437, 26 Federal Plaza, New York City, New York, 10278 and should refer to: In Re: Applied Environmental Services, Inc.

Site, Glenwood Landing, Nassau County, New York, U.S. EPA Index No. II CERCLA–122–93–0201.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, New York/Caribbean Superfund Branch, room 437, 26 Federal Plaza, New York City, New York, 10278, (212) 264–9794, Attention: Alexander Schmandt.

SUPPLEMENTARY INFORMATION: In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Applied Environmental Services, Inc. Site (the "Site"), Glenwood Landing, Nassau County, New York. Section 122(g) of CERCLA provides EPA with authority to consider, compromise, and settle certain claims for costs incurred by the United States.

EPA has previously entered into two administrative agreements (see 57 FR 27049), which became effective on August 5, 1992, with 136 *de minimis* respondents (U.S. EPA Index No. II CERCLA–122–20201) and 27 non-*de minimis* respondents (U.S. EPA Index No. II CERCLA–122–20202) at the Site. The two agreements reimbursed EPA $275,000 for its past response costs ($125,000) and estimated future oversight costs ($150,000) at the Site.

Administrative Order on Consent, U.S. EPA Index No. II CERCLA–122–93–0201, provides that the *de minimis* respondents (i.e. generators of hazardous substances that contributed less than one percent by volume of the hazardous substances to the Site) will reimburse EPA $7,708 for its enforcement costs associated with this settlement and potential additional future oversight costs in excess of the anticipated $150,000 of future oversight costs. The proposed agreement also provides, in conjunction with the State of New York's proposed Shore Realty Supplementary Consent Judgment, that the *de minimis* respondents will pay $121,048 towards the conduct of the remedial work at the Site, which is being implemented by the Glenwood Landing Remedial Trust pursuant to the August 5, 1992, consent judgment entered into by the State of New York and certain defendants in the case of *State of New York* v. *Shore Realty Corp.*, Nos. 84 CV 0864 and 85 CV 2270 (JBW)(E.D.N.Y.). Upon payment of its share of response costs to EPA and the Glenwood Landing Remedial Trust, a *de minimis* respondent will be released from liability for past and future CERCLA response costs at the Site.

Thirteen potentially responsible parties eligible for *de minimis* status at the Site have committed to participate in the *de minimis* settlement: Acme Auto Radiator; Aladdin Dry Cleaning Specialists, Inc.; Baldwin Union Free Schools District; Burmar Technical Corp.; Camillitti, Frank; Chemcoat, Inc.; Dependable Hydraulic, f/k/a Dependable Repair; J&A Cleaners, Inc.; LTS, Inc.,; Port Jefferson Cleaners, Inc.; Prestige Screen Prints, Ltd.; Suffolk Services, Inc.; and Tele-Signal Corp.

A copy of the proposed Administrative Order on Consent may be obtained in person or by mail from EPA's Region II Office of Regional Counsel, New York/Caribbean Superfund Branch, room 437, 26 Federal Plaza, New York City, New York, 10278, Attention: Alexander Schmandt.

Dated: March 23, 1993.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 93–7496 Filed 3–31–93; 8:45 am]

BILLING CODE 6560–50–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

TIME AND PLACE: Friday, April 16, 1993, from 9:30 a.m. to 11:45 a.m. The meeting will be held at Eximbank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

AGENDA: The meeting agenda will include a discussion of the following topics: Advisory Committee Responsibilities; Congressional Status Report; Financial and Budget Status Report; OECD Agreement Status Report/Activity Review; Insurance Program Update; Small Business Report; Report on FY 1992 Advisory Committee Recommendations and Identification of 1993 Prospects; and other topics.

PUBLIC PARTICIPATION: The meeting will be open to public participation; and the last 15 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Loretta Carrier, room 966, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8893, not later than April 15, 1993. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to April 12, 1993, Loretta Carrier, Room 966, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 566–8893 or TDD: (202) 535–3913.

FURTHER INFORMATION: For further information, contact Loretta Carrier, Room 966, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8893.

Helene H. Wall,

Vice President—Administrative and Management Services.

[FR Doc. 93–7581 Filed 3–31–93; 8:45 am]

BILLING CODE 6690–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Hearing and Meeting

AGENCY: General Accounting Office.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that the Federal Accounting Standards Advisory Board will hold a public hearing on Wednesday, April 21 from 9 a.m. to 4 p.m. and, if necessary, based on public response, continuing on Thursday, April 22, 1993, from 9 a.m. to 12 p.m. in room 7313, General Accounting Office, 441 G St., NW., Washington, DC. In addition, on April 22, immediately following the hearing the Board will hold its monthly meeting.

At the hearing the Board will hear views and testimony of interested parties on two Exposure Drafts recently issued by the Board. They are entitled Objectives of Federal Financial Reporting, and Accounting for Inventory and Related Property, both issued on January 8, 1993. Written comments or position papers, and outlines of oral presentations from individuals wishing to testify should be submitted to the Board by April 5. The Board will schedule those desiring to give oral testimony who have made timely requests, subject to available time. Copies of any written material submitted to the Board will be distributed to members of the Board and made a part of its public file.

The agenda for the monthly meeting on April 22 includes a discussion of credit reform issues from the Board's Exposure Draft Accounting for Direct Loans and Loan Guarantees.

Other items may be added to the agenda; interested parties should

contact the Staff Director for more specific information. Any interested person may attend the hearing and the meeting as an observer. Board hearings and meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 750 First St., NE., suite 1001, Washington, DC 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Public Law No. 92–463, section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: March 29, 1993.

Ronald S. Young,

Staff Director.

[FR Doc. 93–7605 Filed 3–31–93; 8:45 am]

BILLING CODE 1610–01–M

GENERAL SERVICES ADMINISTRATION

Change in Solicitation Procedures Under the Small Business Demonstration Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice.

SUMMARY: Title VII of the "Business Opportunity Development Act of 1988" (Pub. L. 100–656) established the Small Business Competitiveness Demonstration Program and designated nine (9) agencies, including GSA, to conduct the program over a four (4) year period from January 1, 1989 to December 31, 1992. The Small Business Opportunity Enhancement Act of 1992 (Public Law 102–366) extended the demonstration program until September 30, 1996 and made certain changes in the procedures for operation of the demonstration program. The law designated four (4) industry groups for testing whether the competitive capabilities of the specified industry groups will enable them to successfully compete on an unrestricted basis. The four (4) industry groups are: Construction (except dredging); architectural and engineering (A&E) services (including surveying and mapping); refuse systems and related services (limited to trash/garbage collection services); and non-nuclear ship repair. Under the program, when a participating agency misses its small business participation goal, restricted competition is reinstituted only for those contracting activities that failed to attain the goal. The small business goal is 40 percent of the total contract dollars awarded for construction, trash/garbage collection services, and non-nuclear ship repair and 35 percent of the total contract dollars awarded for architect-engineer services. This notice announces modifications to GSA's solicitation practices under the demonstration program based on a review of the agency's performance during the period from January 1, 1992 to December 31, 1992. Modifications to solicitation practices are outlined in the Supplementary Information section below and apply to solicitations issued on or after April 1, 1993.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION: Procurements of construction or trash/garbage collections with an estimated value of $25,000 or less and procurements of A&E services with an estimated value of $50,000 or less will be reserved for emerging small business concerns in accordance with the procedures outlined in the interim policy directive issued by the Office of Federal Procurement Policy (58 FR 13513, March 11, 1993).

Procurements of construction or trash/garbage collections with an estimated value that exceeds $25,000 and procurements of A&E services with an estimated value that exceeds $50,000 by GSA contracting activities will be made in accordance with the following procedures:

Construction Service in Groups 15, 16 and 17

Procurements for all construction services (except solicitations issued by GSA contracting activities in Regions 5 and 9 for services in SIC 1794) will be conducted on an unrestricted basis.

Procurements for construction services in SIC 1794 issued by GSA contracting activities in Regions 5 and 9 will be set aside for small business when there is a reasonable expectation of obtaining competition from two or more small businesses. If no expectation exists, the procurements will be conducted on an unrestricted basis.

Region 5 encompasses the states of Illinois, Indiana, Ohio, Michigan, Minnesota, and Wisconsin. Region 9 encompasses the states of Arizona, California, Hawaii, and Nevada.

Trash/Garbage Collection Services in PSC S205

Procurements for trash/garbage collection services in PSC S205 will be conducted on an unrestricted basis.

Architect-Engineer Services (All PSC Codes Under the Demonstration Program)

Procurements for all architect-engineer services (except solicitations issued by contracting activities in Regions 2, 3, and 6) will be conducted on an unrestricted basis. Procurements for architect-engineer services issued by GSA contracting activities in Regions 2, 3, and 6 will be set aside for small business when there is a reasonable expectation of obtaining competition from two or more small businesses. If no expectation exists, the procurements will be conducted on an unrestricted basis.

Region 2 encompasses the states of Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New Jersey, New York, Puerto Rico, and Virgin Islands. Region 3 encompasses the states of Pennsylvania, Delaware, West Virginia, Maryland (except Montgomery and Prince Georges counties) and Virginia (except the city of Alexandria and the counties of Arlington, Fairfax, Loudoun and Prince William). Region 6 encompasses the states of Iowa, Kansas, Missouri, and Nebraska.

Non-Nuclear Ship Repair

GSA does not procure non-nuclear ship repairs.

Dated: March 23, 1993.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 93–7470 Filed 3–31–93; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93N–0113]

Emergency Action Levels: Lead in Food Packed in Lead-Soldered Cans

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing emergency action levels of 80 micrograms per kilogram (µg/kg) (80 parts per billion (ppb)) for lead in fruit beverages (such as juices, nectars, and drinks) packed in lead-soldered cans and 250 ppb for all other foods packed in lead-soldered cans. FDA is announcing these emergency action levels as an interim measure to protect infants and young children from injury

or impairment that could result from consistent consumption of fruit beverages and other foods that contain lead at levels greater than 80 ppb and 250 ppb, respectively.

DATES: Written comments by June 1, 1993.

ADDRESSES: Submit 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: Michael E. Kashtock, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5229.

SUPPLEMENTARY INFORMATION: In this document, FDA is announcing that it is issuing, pursuant to § 181.1(c) (21 CFR 181.1(c)), emergency action levels of 80 ppb for lead in fruit beverages, such as juices, nectars, and drinks packed in lead-soldered cans and 250 ppb for all other foods packed in lead-soldered cans. FDA is issuing the 80 ppb emergency action level because fruit beverages have the potential to be consumed in large amounts by infants and young children, and when such foods contain lead at 80 ppb or greater, they may cause injury to the child. The agency is issuing the 250 ppb emergency action level to protect infants and young children from adverse effects that could result from daily consumption of other foods containing lead at levels greater than 250 ppb.

In the near future, FDA intends to publish a document that finds, based upon the agency's evaluation of available evidence, including the comments submitted in response to an advance notice of proposed rulemaking published in the **Federal Register** of August 31, 1979 (44 FR 51233), that a prior sanction, as defined in section 201(s)(4) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(s)(4)), exists for lead solder used in metal containers for food packaging. The basis for the agency's conclusion includes: (1) The issuance of final standards of identity for 29 different canned fruits, fruit juices, and vegetables between 1939 and 1958 that generally approved the use of cans that were made with lead-soldered side seams as the appropriate container for these standardized products; and (2) agency correspondence, press releases, and scientific reports that stated that lead solder was acceptable for use in canning food and was not unsafe if used in accordance with then current good manufacturing practices.

However, based on data that demonstrate that lead solder in food packaging may cause food that comes in contact with it to be injurious to health, FDA intends to propose to revoke this prior sanction and to propose to prohibit the use of lead solder in food packaging. Sections 181.1(b) and 181.5(c) (21 CFR 181.1(b) and 181.5(c)) provide that the agency may prohibit the use of a prior-sanctioned ingredient where scientific data or information demonstrate that use of the ingredient may be injurious to health and thus in violation of section 402 of the act (21 U.S.C. 342).

Pending completion of the rulemaking to prohibit the use of lead solder in food cans, the agency is issuing, pursuant to § 181.1(c), emergency action levels of 80 ppb for lead in fruit beverages, such as juices, nectars, and drinks packed in lead-soldered cans and 250 ppb for all other foods packed in lead-soldered cans. These emergency action levels are being issued under section 402(a)(1) because available data and information demonstrate that continual consumption of fruit beverages and other foods containing lead at levels greater than 80 ppb and 250 ppb, respectively, by infants or young children may be injurious to their health.

The appropriateness of the emergency action level for lead in fruit beverages packed in lead-soldered cans is evidenced by an incident that occurred during the summer of 1992. This incident involved an 18-month-old child with a blood lead level of 36 µg per deciliter (dL) found in a routine county health department blood lead monitoring program. Investigation of this incident by the county health department revealed that the only significant source of lead exposure for this child was lead in imported fruit juice packed in 12-ounce, lead-soldered cans (Ref. 1).

Analysis by the State health department of multiple flavors of the fruit juices in lead-soldered cans available to the child found lead levels ranging from 160 to 810 ppb per can (Ref. 1). Analysis by FDA of representative samples of these fruit juices available to the general public revealed a range of lead levels from 255 to 1,084 ppb. These lead levels correspond to a lead content of 86 to 376 µg of lead per 12-ounce can of product (Ref. 2). An exposure assessment performed by the county health department estimated that the child consumed about three cans of these fruit juices per day and estimated that the child's daily lead intake from these fruit juices was approximately 600 µg/day (Ref. 2).

An FDA toxicological evaluation of this incident concluded that the excessive lead levels in these fruit juices, namely 255 to 1,084 ppb (as determined by FDA analysis), were likely to cause permanent damage and disability to children if consumed on a daily basis in quantities consistent with those reported in the incident described above. The lead level found in these juices represents a severe health hazard to infants and children because consumption of fruit juices containing these lead levels presents a potential hazard of encephalopathy and death (Ref. 2).

As a result of the incident involving fruit beverages packed in lead-soldered cans, the agency believes that a level of 80 ppb or greater of lead in fruit beverages, which could be consumed by infants and young children as a substantial portion of their daily diet, is an appropriate level at which to consider enforcement action against fruit beverages under section 402(a)(1) of the act. Section 402(a)(1) of the act states:

> A food shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health.

Infants and young children absorb ingested lead into the blood much more efficiently than do older children and adults. FDA estimates that daily consumption of a fruit beverage containing 80 ppb (80 µg/kg) of lead as a substantial portion of the daily diet by infants and young children could produce a blood lead level greater than 10 µg/dL (Ref. 2), which is a minimal blood lead level considered by experts to adversely affect neurological development in infants and young children (Ref. 3).

Further, FDA data show that background lead levels in fruit beverages are normally well below 80 ppb. Since 1985, FDA's total diet study has found the mean lead level in domestic canned fruit beverages (packed in lead-soldered and nonlead-soldered cans) to be 20 ppb or less. In addition, for the last 12 total diet market basket collections between August 1988 and April 1991, the highest lead level detected in any fruit beverage was approximately 20 ppb (Ref. 4). During the same time period, no detectable lead was found in samples of frozen, reconstituted orange juice; canned grapefruit juice; canned orange drink;

frozen, reconstituted lemonade; or, strained (infant/junior) orange or orange/pineapple juice. Thus, a lead level in excess of 80 ppb in a fruit beverage packed in a lead-soldered can clearly results from migration of the lead into the food from the solder used in the can. Therefore the lead in the food is an added substance within the meaning of section 402(a)(1) of the act.

The issuance of the 250 ppb emergency action level for all foods other than fruit beverages packed in lead-soldered cans is the result of recent findings of high levels of lead in other types of foods packed in lead-soldered cans, and of FDA's concern that young children are vulnerable to adverse effects, as described above, from lead from frequent consumption of these foods.

For example, a Class I recall of refried beans packed in lead-soldered cans was initiated November 17, 1992, by a foreign manufacturer because lead levels of 325 ppb and 335 ppb were found in two composite samples, respectively, of these products by FDA's San Francisco district laboratory during routine analysis of surveillance samples. On November 18, 1992, the firm extended the recall to include two jalapeno pepper products also packed in lead-soldered cans. On November 24, 1992, the firm extended the recall to include four fruit nectar products and one vegetable juice, also packed in lead-soldered cans. On December 10, 1992, the firm extended the recall to include an additional four fruit nectar products and corn tamales, also packed in lead-soldered cans. With the extension on December 10, 1992, the recall included all of the firm's products packed in lead-soldered cans that had been exported to the United States (Ref. 5).

A toxicological evaluation of this incident (Ref. 6) by FDA concluded that the lead levels found in the two refried bean samples, 325 ppb and 335 ppb, respectively, are likely to cause permanent damage and disability to children if consumed on a daily basis. This evaluation further concluded that the additional products included by the firm in the recall were likely to contain lead levels that would approximate those of the refried beans because of the nature of the container used to package these products. Based on this evaluation, FDA believes that these products present a severe health hazard to young children. Consumption of these products, depending upon the frequency of use and the lead levels present in the product, could represent a potential hazard of encephalopathy and death.

Another incident that caused the agency to consider issuing an emergency action level for foods other than fruit beverages packed in lead-soldered cans is described by the Department of Health, State of Hawaii, in a press release issued on January 8, 1993, discussing their order of December 29, 1992, to remove from sale all stocks of one brand of canned mandarin orange segments produced by a foreign manufacturer because of high lead levels (Ref. 7). This action followed the State of Hawaii's investigation of a consumer complaint about an off-taste in the product. The investigation disclosed a variety of can abnormalities, including spots of lead solder on the cans' inner walls and deterioration of the enamel coating of the inner surface of the cans, which is designed to protect the product from lead solder used to seal the can side seams. Analysis by the Department of Health, State of Hawaii, Food and Drug Branch reported lead levels between 190 and 700 ppb in the cans tested. FDA analysis of representative samples of the canned mandarin orange segments in domestic commerce found lead levels between 159 and 205 ppb.

An emergency action level of 250 ppb for all foods, other than fruit beverages, packed in lead-soldered cans is thus needed to protect infants and young children from the adverse effects, as noted above, that could result from daily consumption of foods containing lead at levels greater than 250 ppb. The agency believes that an emergency action level of 250 ppb is appropriate for foods other than fruit beverages because these other canned foods are not consumed by infants and young children in the high amounts at which canned fruit beverages are consumed.

On the basis of the foregoing discussion, FDA believes that there is sufficient evidence to support enforcement action against fruit beverages packed in lead-soldered cans found to contain 80 ppb or more of lead, and against all other foods packed in lead-soldered cans found to contain 250 ppb or more of lead, on the grounds that these foods contain an added poisonous or deleterious substance, lead, that may render them injurious to health and are, therefore, adulterated under section 402(a)(1) of the act. The emergency action levels are applicable to all fruit beverages and to all other foods packed in lead-soldered cans that are offered for introduction into interstate commerce.

The agency advises that there is no basis to believe that there is a widespread problem with canned foods and lead contamination. FDA decided to establish the emergency action levels largely in response to the specific incidents described above, which involved imported products. Domestic can industry officials (the Can Manufacturers Institute (CMI) and the National Food Processors Association (NFPA)) have advised FDA that lead-soldered food cans are no longer being produced by U.S. can manufacturers (Ref. 8). CMI and NFPA have stated that, to the best of their knowledge, the last lead-soldered food can was produced by a U.S. can manufacturer on November 28, 1991. Based on usual marketing and consumption patterns, FDA believes that it is unlikely that any domestic lead-soldered food can is in the marketplace at this time. Similarly, several government officials of countries that export food to the United States have advised FDA that they are aware of and concerned with the presence of lead solder in food cans. These officials stated that their countries were either continually attempting to reduce lead levels in food or were monitoring lead levels in food.

The emergency action levels for lead in fruit beverages packed in lead-soldered cans and for lead in other foods packed in lead-soldered cans contained in this notice are not substantive rules. Rather, they constitute guidance that FDA will use in exercising its enforcement discretion when considering whether the agency will regard an article as adulterated within the meaning of section 402(a)(1) of the act. This notice does not limit the agency's enforcement discretion on whether to initiate regulatory action after an evaluation of all relevant facts concerning the presence of lead in any food.

References

The following references have 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.

1. FDA Memorandum dated July 16, 1992, from the Director, Center for Food Safety and Applied Nutrition, to the Associate Commissioner for Regulatory Affairs.

2. Health Hazard Evaluation No. 2881, Center for Food Safety and Applied Nutrition, Food and Drug Administration, July 14, 1992.

3. FDA Memorandum dated November 16, 1990 (revised November 18, 1991), from the Contaminants Team, Division of Toxicological Review and Evaluation, to Elizabeth Campbell, Division of Regulatory Guidance.

4. FDA Total Diet Study, April 1985 to May 1991, unpublished.

5. FDA Memorandum dated January 15, 1993, from the Director, Center for Food Safety and Applied Nutrition, to the

Associate Commissioner for Regulatory Affairs.

6. Health Hazard Evaluation No. 2990, Center for Food Safety and Applied Nutrition, Food and Drug Administration, December 21, 1992.

7. Press release dated January 8, 1993, issued by the State of Hawaii, Department of Health.

8. Letter dated March 24, 1992, from Robert R. Budway, Vice President and General Counsel, CMI, to Jerry Burke, Director, Office of Physical Sciences, Center for Food Safety and Applied Nutrition, FDA.

Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Comments

Interested persons may, on or before June 1, 1993, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of any 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. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 26, 1993.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 93–7516 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Availability of Funds for Grants To Provide Outpatient Early Intervention Services With Respect to HIV Disease

AGENCY: Health Resources and Services Administration.

ACTION: Correction Notice.

In this notice document 93–5954 beginning on page 14216 in the issue of Tuesday, March 16, 1993, make the following corrections:

On page 14216, under **DATES:** in the middle column add after June 1, 1993, "and applications for new grants must be received by the appropriate RGMO by June 18, 1993."

Under **SUPPLEMENTARY INFORMATION:** Number of Awards, the first paragraph should read:

It is anticipated that a total of 136 grants will be awarded ($47.5 million), of which 40 ($12.7 million) will be for noncompeting continuation grants with January 1 budget start dates, and 26 ($9.4 million) will be for *competing continuation and new grants* and 70 ($25.4 million) will be for noncompeting continuations with September 30 budget start dates.

On page 14217, third column, under B. the heading should read: "B. Competing Applications." The first paragraph should read: "In its review of applications for competing *continuation and new* projects, BPHC will consider the extent to which:"

The rest of the notice remains as published.

Dated: March 26, 1993.

Robert G. Harmon,

Administrator.

[FR Doc. 93–7515 Filed 3–31–93; 8:45 am]

BILLING CODE: 4160–15–P

Public Health Service

Statement of Organization, Functions, and Delegations of Authority

Part H, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (55 FR 2152–3, January 22, 1990 and at 54 FR 4085–91, January 27, 1990, and 57 FR 34300–34301, August 4, 1992, as most recently amended 57 FR 43237, September 18, 1992) is amended to replace the function statement for the Division of Management Policy within the Office of Administration and Management to provide administrative infrastructure and support to the functional managers and their staff within the Indian Health Service

Indian Health Service

Chapter HG, Section HG–20, Functions, is amended as follows:

Under the heading *Office of Administration and Management (HGA2),* after the statement for the *Program Integrity and Ethics Staff (HGA2–2),* insert the following title and statement: *Division of Management Policy (HGA21).* (1) Provides analysis, direction, and control for management policies and procedures; (2) serves as principal adviser on Indian Health Service (IHS) organization and management policy and provides guidance and control for establishment or modification of organizational infrastructures, functions, and delegations of authority; (3) coordinates management control reviews, management initiatives, issuances, reports, and agreements programs; (4) directs and controls the agency's directives management and delegations of authority program; (5) provides consultation and assistance in the development of directives, delegations of authority, and agreements; (6) serves as focus for liaison with Public Health Service (PHS) and Department of Health and Human Services (HHS) for management policy; and (7) coordinates all responses to reports for the Office of the Inspector General (OIG), General Accounting Office (GAO), and other Federal internal audits for the agency.

Under *Section HG.40, Delegations of Authority:* All delegations and redelegations of authority made to IHS officials that were in effect immediately prior to this replacement shall continue in effect pending further redelegation.

Dated: March 25, 1993.

Michel E. Lincoln,

Acting Director.

[FR Doc. 93–7514 Filed 3–31–93; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Housing

[Docket No. N–93–3602]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Housing, HUD.

ACTION: Request for expedited processing of information collection requirements associated with amendments to the Housing and Community Development Act of 1992 (Pub. L. 102–550).

SUMMARY: The proposed information collection requirement described is being submitted to the Office of Management and Budget (OMB) for review as required by the Paperwork Reduction Act. An expedited review is necessary to comply with section 908(c) of the Act which requires the Secretary to issue regulations to implement the amendments not later than the expiration of the 180-day period beginning on the date of enactment of the Act (October 28, 1992).

FOR FURTHER INFORMATION CONTACT: Ivy Jackson, RESPA Specialist, Department of Housing and Urban Development, 451–7th Street SW., Washington, DC 20410, Telephone No. (202) 708–4560 (this is not a toll-free

number). Copies of the proposed form and other documentation submitted to OMB may be obtained from Ms. Jackson.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). It is also requested that OMB complete its review as soon as possible, but not later than 10 days.

The notice lists the following information: (1) The title of the information collection proposal; (2) the office to the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form numbers, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information collection, including respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement or revision of an information collection requirement; and, (9) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507, section 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

Dated: 25 March 1993.

James E. Schoenberger,

Associate General Deputy, Assistant Secretary of Housing.

Proposal: Collection information associated with amendments to the Housing and Community Development Act of 1992.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: This information is a regulatory requirement in order to comply with amendments to the Real Estate Settlement Procedures Act as amended in the Housing and Community Development Act of 1992.

Form Number: Not applicable.

Respondents: Lenders and other settlement businesses for profit.

Frequency of Submission: On occasion.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
115,000		13.1		.35		582,025

Status: New request.

Contact: Ivy Jackson, HUD, (202) 708–4560.

SF–83 Supporting Statement

A. Justification

1. This rule proposes to revise 24 CFR part 3500, the implementing regulations for the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 *et seq.* (RESPA). The Rule has been issued to reflect amendments to RESPA in the Housing and Community Development Act of 1992 (Pub. L. 102–550) which adds a new class of covered transactions: second and other subordinate mortgages such as home equity lines and loans secured by qualifying residential real estate (12 U.S.C. 2602(1)(A)). In addition, it proposes a revised HUD–1 Settlement Statement (HUD–1A) which is more functional for this class of loans. Although the amendments included first mortgage refinances, this coverage was previously added in the revised regulations, effective December 2, 1992.

2. A result of expanding coverage of RESPA to subordinate mortgages is that certain RESPA required disclosures be given as a part of these transactions.

The Good Faith Estimate (GFE) gives the borrower an estimate of projected loan costs. It gives the borrower information concerning origination fees, broker fees, etc. on which to shop and make the best financial decision. The lender must also disclose any required settlement providers and their costs on the GFE. If the lender denies credit within three days of receipt of the application, a GFE is not required (12 U.S.C. 2604(d). Mortgage brokers, not exclusive agents of lenders, are also required to give an additional GFE at time of application.

The proposed HUD–1(A) itemizes the settlement services provided and fees and charges related to the loan transaction. The HUD–1(A) is filled out by the settlement agent and a copy is provided to the borrower and lender. The HUD–1(A) is proposed in lieu of the HUD–1 (12 U.S.C. 2603(a)).

The Controlled Business Arrangement (CBA) Disclosure is used to disclose the relationship between a settlement service being referred by an affiliated settlement service. The disclosure is necessary in order to meet the CBA exemption from violation of section 8(c)(4) (12 U.S.C. 2607).

3. Any technology may be used to produce the Good Faith Estimate, HUD–1(A) Settlement Statement or Controlled Business Arrangement Disclosure.

4. There is no duplication of information required by the HUD–1(A) or the CBA disclosures. There will be duplication of most of the information required by the broker GFE as in most cases the lender will also provide a GFE.

5. There is no similar information available which is required by the CBA disclosure and the HUD–1(A). Duplicate GFE information may be supplied by the lender, but subsequently.

6. It is customary to provide some estimate of costs and settlement statement format. The requirement for a CBA disclosures will mainly effect large entities.

7. Collection is at a minimum frequency. Disclosures and the HUD–1(A) are a one-time per loan requirement.

8. These collections are consistent with the guidelines of 5 CFR 1320.6.

9. There is little data readily available on subordinate mortgage transactions. Information was sought from these sources:

- American Housing Survey for the U.S. in 1991, Bureau of the Census, U.S. Department of Commerce, Office of Policy and Development, U.S. Department of HUD, Kurt Vsowski (202) 708–0426, Duane McGough (202) 708–1060.
- County Business Patterns 1990 United States. Economic Surveys Division, Bureau of the Census, U.S. Department of Commerce. Howard Savage (301) 763–8165, Alan Blum (301) 763–1804, Gerald Feuer (301) 763–5056.
- National Association of Mortgage Brokers, Michael J. Hoogendyk, Executive Vice President (602) 992–6181, Mary Burt, Director Government Relations (202) 408–6891.
- American Financial Network, Bob McKew, General Counsel (202) 296–5544.
- Title I Lenders Association, Peter Bell (202) 328–9171.

• Regulatory Impact Analysis (RIA) (Docket No. 1256), U.S. Department of HUD. HUD published a revision of RESPA on October 2, 1992 with an effective date of December 2, 1992. The RIA discussed the impact of these required disclosures as well as the costs of retention.

10. No assurances of confidentiality are required or necessary.

11. Not applicable.

12. There is no cost to the Federal government because HUD does not collect, distribute or retain this information. Furthermore, the information is not usually required to be sent to HUD.

13. Costs to respondents are estimated as follows:

In regard to applicable federally-related mortgages the rule conforms with the statute and extends coverage of RESPA to subordinate mortgage loans. The following disclosures are required:

* Lenders as well as any mortgage broker, not the exclusive agent of a lender, are required to provide a GFE.

* Settlement agents are required to issue a proposed HUD–1(A) Settlement Statement.

* Affiliates of a controlled business relationship are required to give borrowers the CBA disclosure at the time of referral.

The annual number of subordinate mortgage transactions was calculated from information obtained by the Office of Policy and Development, U.S. Department of HUD, from the American Housing Survey for the U.S. in 1991, Bureau of the Census, U.S. Department of Commerce. The data included a sample of households with more than one mortgage. The sample results were then used to project an estimated number of total U.S. households with more than one mortgage. The number of mortgages acquired for four years were reported as: 1988—520,000; 1989—749,000; 1990—734,000; and 1991—563,000. These four years were then averaged to estimate the annual number of subordinate mortgage transactions as 642,000.

The estimate of 100,000 lending institutions which might engage in subordinate loan transactions was determined based on data obtained from the U.S. Census Bureau, County Business Patterns 1990 United States. There are approximately 100,000 individual branches and subsidiaries which are reported under the Standard Industrial Codes as personal credit institutions (25,000), commercial banks (52,000), savings institutions (21,000) and credit unions (3,000).

HUD published a comprehensive revision of RESPA on October 2, 1992 with an effective date of December 2, 1992. A regulatory impact analysis (RIA) was completed (Docket No. 1256) which discussed the impact of these required disclosures as well as the costs of retention.

According to the RIA industry estimates that it takes about 15 minutes to complete a GFE. Based on an estimated 642,000 loan transaction the burden hours for lenders is projected at 160,500. If 25 percent of these loans (160,500) involve a mortgage broker an addition of 40,125 burden hours is required. Costs for preparation, mailing, overhead and storage are estimated to be approximately $30 per form for a total annual cost of approximately $24.1 million.

Based on the RIA it is estimated that approximately 10 percent of the loan transactions (64,000) will require a CBA disclosure concerning their business affiliation. The cost involved is basically the time to give the disclosure and make any explanations. It is estimated that each transaction will add .10 burden hours for a total of 6400 burden hours and a cost of $20 per disclosure or total of $1.2 million.

TABULATION OF ANNUAL REPORTING BURDEN—REAL ESTATE SETTLEMENT PROCEDURES ACT

	No. of respondents	No. of responses	Total annual responses	Hours per response	Annual burden hours	Total annual burden
Good faith estimate (brokers)	15,000	11	160,500	0.25	40,125	4.8 mil.[2]
Good faith estimate (lenders)	100,000	6	642,000	0.25	160,500	19.3 mil.[2]
HUD–1(A)	[1] 100,000	6	642,000	0.50	321,000	19.3 mil.[2]
Controlled business disclosure	[1] 10,000	6	64,000	0.10	6,400	1.2 mil.[3]

[1] Part of original 100,000 respondents.
[2] Estimated cost is $30 per disclosure.
[3] Estimated cost is $20 per disclosure.

14. Burden is due to statutory amendments, Housing and Community Development Act of 1992 (Pub. L. 102–550) approved October 28, 1992.

15. Not applicable.

B. Not applicable.

Excerpts From Unpublished Proposed Rule

(These excerpts are provided as an elaboration of the information collection requirements set out in this notice for public comment).

Section 3500.6 Special information booklet at time of loan application

(a) *Lender to provide information booklet.* Subject to the exceptions set forth below, the lender shall provide a copy of the special information booklet to a person from whom the lender receives, or for whom the lender prepares, a written application on an application form or forms normally used by the lender for a federally related mortgage loan. Where two or more persons apply together for a loan, the lender is in compliance if the lender provides a copy of the booklet to one of the individuals applying, but may provide additional booklets to other applicants, or to guarantors.

The lender shall provide the special information booklet by delivering it or placing it in the mail to the applicant not later than three business days (as that term is defined in § 3500.2) after the application is received or prepared, unless the lender denies the application for credit before the end of the three business-day period. If a borrower uses a mortgage broker, the mortgage broker shall distribute the special information booklet and the lender need not do so. The intent of this provision is that the applicant receive this special information booklet at the earliest possible date.

However, the lender or mortgage broker does not have to provide the booklet to any applicant for a covered loan for refinancing of a borrower's property, or for any other loan where the lender will not take a first lien, until and unless the Secretary has issued a revised or separate HUD Settlement Booklet[s] which deals which refinancing loans or subordinate liens, or until the Secretary has endorsed forms or information booklets of other Federal Agencies. The availability of the Booklet or the acceptability of alternate materials or booklets will be set forth in a notice in the **Federal Register**, which will also set forth the implementation date of this provision. Similarly, the HUD Settlement Booklet need not be distributed to applicants for a reverse mortgage, until the Department identifies an appropriate booklet

or other information to be distributed, by means of a notice in the Federal Register.

* * * * *

Section 3500.7 Good faith estimate

(a) *Lender to provide.* The lender shall provide the good faith estimate required under this section (a suggested format is set forth in Appendix C of this part) to all applicants for a federally related mortgage loan by delivering the good faith estimate or placing it in the mail to at least one of the loan applicants not later than three business days after the application is received or prepared, unless the lender denies the application for credit before the end of the three business day period. If a mortgage broker is the exclusive agent of the lender, either the lender or the mortgage broker shall provide the good faith estimate, within three business days after the application is received or prepared by the mortgage broker.

(b) * * * However, if the application for mortgage credit is denied before the end of the three business day period, no good faith estimate is required.

* * * * *

(e) * * *

(1) If the provider is an associate of the lender (as that term is defined in § 3500.15(c)(1)), or;

* * * * *

(3) * * * In the event that a lender requires a provider as set forth in the first paragraph of this part, but at the time of the receipt of the application has a list or lists of discrete classes of required providers (5 or more) such as appraisers, closing agents, attorneys, private mortgage insurers, or credit reporting agencies, and the lender has not yet chosen the provider from one or more of these lists, an alternative form of compliance may be utilized. The requirements of this part may be satisfied if it is disclosed that a designated provider will be required from a lender controlled list, the range of costs for each provider are disclosed on the Good Faith Estimate, and if the required information, including Controlled Business Arrangement disclosures, if applicable, regarding the specific service provider is given to the applicant within three business days after the service provider is selected.

Section 3500.14 Prohibition against kickbacks and unearned fees

* * * * *

(g) * * *

(1) * * *

(v) Pursuant to cooperative brokerage and referral arrangements or agreements between real estate agents and brokers. (The statutory exemption restated in this paragraph refers only to fee divisions within real estate brokerage arrangements for real estate brokerage fees.)

Appendix A to Part 3500—Instructions for Completing HUD–1 Settlement Statement

* * * * *

Line Item Instructions

Line 902 is used for mortgage insurance premiums due and payable at settlement, except reserves collected by the Lender and recorded in the 1000 series. A lump sum mortgage insurance premium paid at settlement should be inserted on Line 902, with a note that indicates that the premium is for the life of the loan.

Appendix F Form of HUD Settlement Statement for Refinancings and Junior Lien Transactions

BILLING CODE 4210–27–M

Appendix F

REAL ESTATE SETTLEMENT STATEMENT

U.S. Department of Housing and Urban Development

For Use Only for Refinancing and Junior Lien Settlements

Name and Address of Borrower	Loan Number
	Settlement Date
Property Location (if different from above)	Name & Address of Lender

L. SETTLEMENT CHARGES		M. DISBURSEMENT TO OTHERS	
800. Items Payable In Connection With Loan		1501	
801 Loan origination fee %			
802 Loan discount %		1502	
803 Appraisal fee to			
804 Credit report to		1503.	
805 Lender's inspection fee			
806 Mortgage insurance application fee to		1504.	
807 Assumption fee			
808 Mortgage broker fee		1505	
809			
810		1506.	
811			
900. Items Required By Lender To Be Paid In Advance		1507.	
901 Interest from to @ $ /day			
902 Mortgage insurance premium for months to		1508.	
903 Hazard insurance premium for years to		1509	
904 years to		1510.	
905		1511.	
1000. Reserves Deposited With Lender			
1001. Hazard insurance months @ $ per month		1512.	
1002 Mortgage insurance months @ $ per month			
1003. City property taxes months @ $ per month		1513.	
1004 County property taxes months @ $ per month			
1005 Annual assessments months @ $ per month		1514.	
1006 months @ $ per month			
1007 months @ $ per month		1515.	
1008. months @ $ per month			
1100. Title Charges		1520. TOTAL DISBURSED (enter on line 1603)	
1101 Settlement or closing fee to			
1102. Abstract or title search to			
1103 Title examination to			
1104. Title Insurance binder to			
1105. Document preparation to			
1106. Notary fees to			
1107. Attorney's fees to (includes above item numbers)			
1108. Title insurance to (includes above item numbers)			
1109 Lender's coverage $			
1110. Owner's coverage $			
1111.			
1112.			
1113		N. NET SETTLEMENT	
1200. Government Recording And Transfer Charges			
1201 Recording fees: deed $:mortgage $:releases $		1600. Note Amount	$
1202. City/county tax/stamps: deed $ mortgage $			
1203. State tax/stamps: deed $: mortgage $		1601. PLUS Cash/Check From Borrower	$
1204.			
1205		1602. MINUS Total Settlement Charges (line 1400)	$
1300. Additional Settlement Charges			
1301 Survey to		1603. MINUS Total Disbursements To Others (line 1520)	$
1302. Pest inspection to			
1303 Architectural/engineering services		1604. EQUALS Disbursements to Borrower (after expiration of any applicable rescission period required by law)	$
1304. Building permit			
1305.			
1400. Total Settlement Charges (enter on line 1602)			

DRAFT

Borrower

Borrower

[FR Doc. 93–7484 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–27–C

Office of Administration

[Docket No. N-93-3597]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 23, 1993.

Kay Weaver,

Acting Director, IRM Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Expedited Procedures for RTC Multifamily Properties (FR-3393).

Office: Housing.

Description of the Need for the Information and Its Proposed Use: This information collection will be used by the purchasers of properties from the Resolution Trust Corporation (RTC). These purchasers may elect to apply for mortgage insurance under section 207 pursuant to section 223(f). The purchasers will furnish to HUD with their application, copies of the architectural, appraisal, and environmental reports prepared by RTC. This requirement will expedite HUD's processing for mortgage insurance.

Form Number: None.

Respondents: Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information collection	20		1		.25		5

Total Estimated Burden Hours: 5.

Status: New.

Contact: Jill Rudow or Benjamin Jacinto, HUD, (202) 708-3055; Angela Antonelli, OMB, (202) 395-6880.

Dated: March 23, 1993.

[FR Doc. 93-7486 Filed 3-31-93; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-93-3598]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to:

Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 24, 1993.

John T. Murphy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Historical Lead-Based Paint (LBP) Activity Report.

Office: Public and Indian Housing.

Description of the Need for the Information and Its Proposed Use: The purpose of this information collection is to ascertain the number of children identified by the health community as having an elevated blood lead (EBL) level. The Housing Authorities will submit this historical information to HUD. The report will also identify the risk assessment and costs associated with EBL activities. The report will cover the period from August 1, 1986 to June 30, 1992.

Form Number: HUD–52850–A.

Respondents: State or local Governments.

Frequency of Submission: One-time.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Activity Report	3,400		1		1		3,400

Total Estimated Burden Hours: 3,400.

Status: New.

Contact: Marilyn Diaz, HUD, (202) 708–0846; Angela Antonelli, OMB, (202) 395–6880.

Date: March 24, 1993.

[FR Doc. 93–7487 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–93–3599]

Notices of Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to:

Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 22, 1993.

John T. Murphy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Contractor's Requisition Project Mortgages.

Office: Housing.

Description of the Need for the Information and its Proposed Use: Form HUD–92488 is used by the contractor to obtain distribution of insured mortgage proceeds when construction costs are involved. The form is needed by HUD to monitor construction progress and ensure compliance with the Davis-Bacon wage rates.

Form Number: HUD–92488.

Respondents: Businesses or other for-profit and non-profit institutions.

Frequency of Submission: Monthly.

Reporting Burden:

	Number of Respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–92488	1,000		10		6		60,000

Total Estimated Burden Hours: 60,000.

Status: Extension.

Contact: Roger Kramer, HUD, (202) 708–0743; Angela Antonelli, OMB, (202) 395–6880.

Date: March 22, 1993.

Proposal: Commitment to Guarantee Mortgage-Backed Securities.

Office: Government National Mortgage Association.

Description of the Need for the Information and its Proposed Use: HUD–11704 will be used by applicants to apply for GNMA commitment authority to guarantee mortgage-backed securities and to request the assignment of a pool number.

Form Number: HUD–11704.

Respondents: Businesses or other for-profit.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–11704	1,200		4		.25		1,200

Total Estimated Burden Hours: 1,200.

Status: Reinstatement.

Contact: Charles Clark, HUD, (202) 708–2234; Angela Antonelli, OMB, (202) 395–6880.

Date: March 22, 1993.

[FR Doc. 93–7488 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–93–3600]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 19, 1993.

John T. Murphy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Multifamily Coinsurance Claims Package 223(f).

Office: Housing.

Description of the Need for the Information and Its Proposed Use: The mortgagee prepares and submits to HUD the 223(f) Coinsurance Package whenever a coinsured mortgage is defaulted. HUD computes the claim settlement that is due the mortgagee based on the information submitted by the mortgagee.

Form Number: HUD–27008, 27009–B, 27009–D, and 27009–F.

Respondents: Businesses or other for-profit.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	5		1		6		30

Total Estimated Burden Hours: 30.

Status: Extension.

Contact: Betty Belin, HUD, (202) 401–2168; Angela Antonelli, OMB, (202) 395–6880.

Date: March 19, 1993.

[FR Doc. 93–7489 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–01–M

Office of Housing

[Docket No. N–93–3601]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Housing, HUD.

ACTION: Request for extension of approval of—information collection requirements associated with OMB Control Number 2502–0377 to be used in connection with the Subsidy Layering Review Requirements of title 1 of the HUD Reform Act of 1989 and the Housing and Community Development Act of 1992.

SUMMARY: The proposed information collection requirement described is being submitted to the Office of Management and Budget (OMB) for review as required by the Paperwork Reduction Act. An expedited review is necessary to permit the processing of applications for assistance under the Subsidy Layering Requirements outlined review.

DATES: Comments due: April 21, 1993.

FOR FURTHER INFORMATION CONTACT: Kay Weaver, Report Management Office, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, Telephone No. (202) 708–0050 (this is not a toll-free number). Copies of the proposed forms and other available documentation submitted to OMB may be obtained from Mrs. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 350 it is also requested that OMB complete its review within 20 days.

The notice lists the following information: (1) The title of the

information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form numbers, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information collection, including respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement or revision of an information collection requirement; and, (9) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507, section 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 35359d).

Dated: March 17, 1993.

James E. Schoenberger,

Associate General Deputy Assistant Secretary of Housing.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Collecting Information from Applicants for a Subsidy Layering Review of Housing Projects as Required by the HUD Reform Act of 1989 in Connection with Low Income Housing Tax Credits.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: This information will enable HUD to determine what HUD assistance is necessary to make the housing projects feasible which have been awarded Low Income Housing Tax Credits.

Form Number: N/A.

Respondents: Applicants applying for HUD assistance for Housing projects in connection with Low Income Housing Tax Credits.

Frequency of Submission: One time.

Reporting Burden:

Number of respondents	×	Frequency of responses	×	Hours per response	=	Burden hours
1170		1		½		585

Status: New request.

Contact: Thomas P. Conway or Scott Werdal, HUD (202) 708–0624; Angela Antonelli, OMB (202) 395–6880.

Dated: March 17, 1993.

Supporting Statement to SF–83 Owner Certification on LIH Tax Credits

A. Justification

1. Multifamily projects participating in HUD's mortgage insurance or subsidy programs can also receive Low Income Housing Tax Credits from the states. They can receive credits for building, acquiring or rehabbing units that will be occupied by low-income families. The credit is taken annually for 10 years. The maximum annual credit a project may receive is 4 percent of acquisition costs and 9 percent of construction or rehab costs.

a. To receive and take the credit, owners must agree to lease at least either: (1) 20 percent of the units to families with incomes at/below 50 percent of the area median incomes (20/50 option); or (2) 40 percent of the units to families with incomes below 60 percent of the area median income (40/60 option). The owner chooses which option to apply and which units will be rent restricted. For either option, the owner may choose to exceed the minimum (20/40 percent) low-income use and receive credit on the additional units.

b. The tax credit law limits a tenant's rent to no more than 30 percent of the income limit (50/60 percent of the median) selected by the owner. For example, if an owner chooses the 20/50 option, a tenant's gross rent may not exceed 30 percent of 50 percent of area median income, adjusted for family size.

c. Projects receiving tax credit allocations are generally syndicated as limited partnerships. Investors pay cash up front or over a few years in return for ownership interests and the right to take a proportionate share of the project's tax credit on their personal tax returns. Generally, investors contribute cash equal to five times the annual credit amount.

Since tax credits are allocated by States and owners are not now required to tell HUD of tax credit allocations, HUD does not know which projects have credits or the amount of the credits. If a project receives credits without HUD's knowledge, it is very likely that HUD will assume excessive mortgage insurance risk or award more assistance than a project needs.

a. Excessive Mortgage Insurance Risk

If HUD is not aware that a project has a tax credit allocation, HUD could insure/coinsure a mortgage that is higher than needed or higher than the restricted tax credit rents can support.

- The mortgage could be higher than rents can support because HUD's feasibility analysis and appraisals will be based on market rents but the tax credit rules will limit actual rents on all or some units to significantly lower amounts. HUD will not know how many units or which units are rent-restricted or the rent option the owner has selected. Result: Increased potential for defaults and claims against the FHA insurance funds.
- The mortgage could be higher than needed to support construction or rehab because HUD processing will be based upon total costs and won't reflect the private capital raised by the tax credit. Result: Limited insurance authority is wasted and any subsequent claim on the FHA insurance funds is unnecessarily high.

b. Excessive Assistance Awarded

If HUD does not know that a project has a tax credit allocation, assistance could be excessive because HUD would likely:

- Award tenant rent subsidies based on market rents, when the owner would be charging significantly lower rents. Again, unless the owner submits the information requested by our Notice, HUD would not know that rents are restricted or the amount of the reduction.
- Allocate Flexible Subsidy and other repair assistance based on total rehab needs, even though investor contributions could meet all or part of these needs.
- Award tenant rent subsidies to support mortgages that are unnecessarily high for reasons noted in Paragraph a above. *Result*: Scarce subsidy dollars are wasted.

2. HUD staff will use the information to assure that HUD does not award excessive subsidies or assume undue risk when owners combine the Low Income Housing Tax Credit with HUD's mortgage insurance or subsidy programs.

a. Certification on Participation in LIHTC Program

All applicants for HUD assistance or mortgage insurance must disclose

whether they plan to participate in the LIHTC program. The disclosure is submitted to the HUD Field Staff/ Coinsuring Lender/PHA who processes the transaction involved. If the applicant's response is:

• Negative, the applicant merely photocopies and signs the certification in Attachment 3 of the Notice. No additional submission is required.

• Positive, the applicant must submit the information listed in Attachment 2 of the Notice.

b. Materials Submitted by Tax Credit Participants

These submission requirements are listed in Attachment 2 of our proposed Notice. Initially, HUD Field Offices and lenders will pass these materials to HUD Headquarters and HUD Headquarters will use them as described below. Later, after review procedures have been tested and finalized, HUD Field Staff will perform these reviews.

• Tax Credit Terms (Item 1 of Attachment 2). HUD needs this information to accurately estimate a project's income. If income is over/ understated, HUD will assume excessive mortgage insurance risk or award more assistance than needed, as explained in Paragraph 1 above.

• Information on Sources and Uses of Funds (Items 1a, 2, 3, 4, and 5). This information will show HUD the total funding available to meet a project's development, rehab or operating costs. HUD will adjust assistance or insurance commitments to reflect the private capital raised by the tax credits. Without this information, HUD's commitments would be higher than needed as they would be based on an unadjusted needs figure.

• Applicant Agreement to Notify HUD of Subsequent Changes in Information Submitted. If applicants submit updated information, HUD's subsidy and mortgage calculations will more accurately reflect project needs. If an applicant does not report changes that occur and those changes cause subsidy/mortgage amounts to be excessive, the owner certification will give HUD a basis to pursue penalties or other corrective action.

3. The information collection burden associated with this certification is minimal, so there has been no consideration of the use of improved information technology to reduce the burden.

4. Neither this or any similar information is now available to HUD. While HUD currently does not see this information, most tax credit applicants will have already compiled the information Attachment 2 requests. They will have done so to assess the feasibility of their proposal, to prepare a syndication offering or to submit their credit applications to the states. To keep applicant burden to a minimum, we will accept photo copies of such submissions.

5. See #4 above.

6. The burden for all respondents, including small businesses, is minimal.

7. If information were collected less frequently than proposed by our Notice, HUD would not have the information it needs to accurately determine mortgage insurance and assistance needs. (See Items 1a and 1b above.)

a. Our notice requires applicants to submit the information before HUD or its agent executes documents locking HUD into a specific amount of mortgage insurance or assistance or setting forth conditions on which HUD will approve a specific transaction. If information were submitted at a later point, HUD would not be able to adjust its commitments to reflect the information.

b. Generally, an applicant need submit information only once. If an applicant submits the information at one stage (e.g. conditional commitment), the applicant need submit the information again only if it changes.

8. See #7 above.

9. Consultation with persons outside of HUD was not considered necessary, given the limited scope of the information to be collected.

10. HUD does not assure confidentiality.

11. Not applicable.

12. Annual cost to HUD and to respondents are estimated below.

Respondent costs	HUD costs
Time required/ response=½ hour.	Time review=1 hour.
Cost/response=$10 ($42,000 salary).	Cost/review=$16 ($33,000 salary).
Total responses/ year=1170.	Total reviews/ year=1170.
Total cost=$11,700 ...	Total cost=$18,720.

13. The information collection burden hours was estimated to be:

Number of respondents=1170.
Number of responses/respondent/ year=1.
Total number of responses per year=1170.
Time required/response=½ hour.
Total annual burden=585 hours.

The number of respondents was estimated using preliminary 1988, data from state credit agencies. The data shows that during 1988, 842 of the 3262 projects receiving 1988 tax credit allocations participated in a HUD mortgage insurance or subsidy program (236, BMIR, Section 8, Mod Rehab, Rent Sup). Another 34 projects participated in the HODAG program. We estimated total responses by trending 1988 data to recognize: (1) Increased usage of credit authority; (2) that Nov '89 tax credit legislation precludes Mod Rehab projects from receiving 1990 credit allocations; (3) that HODAG generally did not make new awards after 1988 and, hence, subsidy commitments will already be locked in on most HODAG projects; and (4) that projects can stay in the processing pipeline for one to two years.

The 1170 respondents was estimated as shown below.

(1)	(2)	(3)	(4)
Year of tax credit authority	Total HUD-related projects receiving credit allocations	% of Col 2 having Attmt 2 action in '90	Total responses (Col 2x3)
1988 .	842	20	168
1989 .	1000	70	700
1990 .	720	40	288
			1156 HODAG + 14
			1170

14. Estimated respondent burden hours and cost to government differ from the hours and costs we estimated in 1988 when requesting OMB approval of tax credit submissions by applicants for FHA full insurance (OMB No. 2502–0377). The differences are due to the following facts.

a. Our 1988 submission significantly overestimated the number of respondents. While we estimated 580 submissions would be required, only about 20 submissions were made between 2/89 and 12/1/89.

b. The proposed notice will require tax credit disclosure on more transactions. While our 1988 memo required disclosure only in conjunction with mortgage insurance applications, our new notice will require disclosure on all of the transactions listed in the Notice's Attachment 1.

c. While our 1988 SF–83 estimated that each respondent would make two submissions per year, under the proposed notice each respondent will generally submit Attachment 2's data only once in any year. (See Item 7b Above.)

d. Respondent's cost per submission is reduced because we assumed a $42,000 salary rather than the $62,400 salary used in our 1988 submission. Since the data is already available, it can be compiled by mid-level staff.

e. HUD review time is increased because reviewing the Sources and Uses Statement, which was not required by the 1988 policy, will consume additional HUD time.

15. Not applicable.

B. Collection of Information Employing Statistical Methods

This information collection will not employ statistical methods.

Special Regional and Field Office Instructions Regarding HCA/HUD Implementation of the Subsidy Layering Review Guidelines

A. Housing Development

The [1] instructions in this section (section A) clarify for Regional (RO) and Field Office (FO) Housing Development (HD) staff special procedures to follow when implementing the low income housing tax credit (LIHTC) Subsidy Layering Guidelines into their standard mortgage insurance processing routines. Instructions relating to HUD assistance administered through the Office of Housing Management (HM) follow in section B.

Definition of Subsidy

Projects receive many layers of assistance which one might not ordinarily equate with "subsidy". But for the purposes of the subsidy layering review (SLR), subsidy is broadly defined to include at least the following layers of assistance: Project-Based Certificates; Mod Rehab; Mortgage Insurance; Transfers of Physical Assets; Mortgage Relief (i.e. Partial Payments of Claims); Refinancing a HUD-assisted project; Prepayment Plans of Action; § 8 Rent Increases or Contracts for new or additional units; Flexible Subsidy; Foreclosures, Negotiated, or Competitive Sales; Grants/Special Loans from a Federal, State, or local source; Tax Credits received from a Housing Credit Agency (HCA); Tax Exempt Bond Financing and attendant Tax Credits received from a Housing Finance Agency; etc. (See 24 CFR 12.50 Definitions for a more complete list).

Purpose of Instructions

These instructions should assist ROs and FOs in determining whether HCAs are properly implementing the Subsidy Layering Guidelines, and in cases where they are not, provide direction for how HUD will exclusively perform the SLR, and the RO may revoke the HCA.

[1] These instructions supersede our memorandum of February 2, 1988 entitled, "Processing HUD-Insured Projects Involving Low-Income Tax Credits", and also Notice H 90–17, "Combining Low Income Housing Tax Credits with HUD Programs".

1. *Sponsor certification and application screening.*—a. *Sponsor certification.* The Sponsor of any application for insurance under HUD multifamily programs must identify whether the project will receive tax credits in accordance with the certification contained in Addendum #1. If tax credits are involved, HUD program participants must submit materials listed in Addendum #2. Multifamily Representatives (MRs) must pay particularly close attention to these requirements, because HUD is concerned that there are still projects which have not disclosed the presence of tax credits, e.g. tax-exempt bond financed projects automatically receive a ten year stream of LIHTCs, and although these are for lesser amounts which do not count against the state's total allocation authority (the availability of such financing is subject to separate limitations, however), these can be syndicated or kept by the Sponsor, subjecting the set-aside units of the project to rent restrictions which HUD must consider in its underwriting, and adding a layer of subsidy which must be considered in the SLR. At the earliest stages of a project's mortgage insurance application it is essential that HUD obtain the required certification and details about tax credits from Sponsors in order to expedite processing.

"Other government assistance", such as grants or special loans must appear on the Sponsor's Form HUD–92013; at the commitment stage of processing a commitment letter signed by the authorized agent of the applicable government agency or instrumentality and showing the amount, original source, and intended use of the funds must be submitted (See HUD Handbook 4470.1, ¶16–2B.).

b. *Initial application screening.* MRs should review the basic types of tax credits described briefly below and the Sponsor's certification and detailed information before an application is accepted for processing. Processing will be expedited if the MR screens the participants' tax credit materials to see if certain basic Guidelines' requirements are met (read and study Addendum #8, popularly referred to as the Subsidy Layering Guidelines), e.g. ascertain whether the HCA has made an initial allocation award; verify that the HCA's initial § 911 Certification has been made and determine whether its initially approved "Sources and Uses" (S&U) statement is in balance; verify that the Form HUD–92013 requested mortgage amount is the same as that assumed by the HCA in the Sources portion of the S&U statement; make sure that the Sponsor has identified either 20%/50% or 40%/60% set aside arrangements (Item 1b of Addendum #2), and has said which units the tax credits are claimed against (Item 1c); check whether this matches the HCA's allocation assumptions for the percentage of units LIHTCs relate to (Item 2b). Please note that when greater than 40% of the units are set aside for low income use, and the project does not receive project-based § 8 rental assistance, Headquarters' approval of the completed underwriting is required (See Handbook 4430.1, REV–1, Issued Sept. 23, 1992, ¶1–42; see also Appendix 4, 9c). If the underwriting is performed in accordance with these instructions, Headquarters' review will be expedited; but commitments may not be issued until the review result is known. A Sponsor must also submit with their application, and update as necessary throughout processing, a detailed schedule indicating when installments from the syndication are contractually required or expected from investors, whether these serve as security for a bridge loan, a photocopy of the terms of such a loan, all expected syndication expenses, bridge loan interest and costs which must be subtracted from gross syndication proceeds, and the Sponsor's resulting estimate of Net Syndication Proceeds. Valuation and Mortgage Credit cannot complete mortgage insurance processing without this information, and the HCA cannot make their final § 911 Certification without it.

Details concerning "other government assistance" such as grants/loans, and the requirements for application review are contained in Chapter 16 of Handbook 4470.1, REV–2, issued 9/92.

2. *Basic types of tax credits.* LIHTCs may be allocated or automatically awarded (for tax-exempt financing) in ten year streams for the new construction, substantial rehabilitation, or acquisition and rehabilitation of a multifamily project, and bind the recipient to rent restrictions. Historic Tax Credits, by contrast, may be awarded to developers of projects with historical significance for one year, but do not bind the recipient to rent restrictions. A State or local housing credit agency, or bond financing agency (for tax-exempt proposals), determines the amount of tax credits a project will receive. In general, greater amounts of LIHTCs are allocated for new construction and substantial rehabilitation, and even greater amounts if located in "qualified census tracts" (See Attachment #1 of Addendum #8 for definition). HUD staff should note that an HCA's definition of substantial rehabilitation may be different than

HUD's, but HUD should apply its applicable program definition to substantial rehabilitation proposals to determine eligibility. It must also be noted that an HCA's definitions of the terms "development costs" for new construction and "rehabilitation costs" for substantial rehabilitation may differ from HUD's; nevertheless, HUD Cost Analysts and Appraisers will process proposals in accordance with the applicable outstanding program and technical handbook instructions to estimate the total development costs and the estimated total replacement cost or value, as applicable.

3. *Primary effects of the combination of LIHTCs and HUD multifamily mortgage insurance.* Generally, the annual credit amount relating to low-income rent restricted projects receiving LIHTCs is for a ten year period, and specific details must be disclosed by the Sponsor (In contrast, Historic Tax Credits are a one year award, unless combined with ten year LIHTCs and corresponding low-income restrictions). Whatever the type and amount of LIHTCs, HUD Valuation and Mortgage Credit sections (Architecture and Cost will not be affected) will notice the primary effects in two important areas of underwriting:

a. The proportion of units which must be set aside for low-income purposes in accordance with the LIHTC award (please note that this may exceed the minimum 20 or 40 percent levels) can substantially lower estimated project net operating income, and thus, reduce the Debt Service Mortgage Criterion (Exception: For project-based section 8 cases, the Form HUD–92264 T rents do not apply for rent restricted units, but rather, a Rent Computation Worksheet must be completed for the project based units—see more below—and other program limitations apply); and,

b. Accounting for certain cash requirements such as the "Sponsor's required minimum equity contribution" (See Guideline #9 and its Exceptions), and for cases where an HCA's section 911 authority has been either voluntarily surrendered or revoked, or an HCA does not follow the Guidelines, determining the applicable mortgage limitations in a manner similar to that already in place for grants/loans (See instructions below) will require additional processing time and attention.

4. *Valuation special instructions.*—a. *Land and expense analyses: Similarities outweigh differences.* The fact that the tax credits will be received by the project Sponsor will not have any effect on the Appraiser's estimate of land value (or "as is" value in substantial rehabilitation cases, i.e. Line G 73, Form HUD–92264) or Total Project Expenses (Line E 29). The Appraiser may complete these analyses first, if desired, in the same manner as one would process the proposal without tax credits, with a few caveats. With regard to the land and/or improvements, please note that Guideline #1 specifically states that any "value" attributable to the tax credit award must be ignored in the appraisal, i.e. pretend the tax credit is not there when performing the appraisal. As to the expenses, Appraisers must be careful in the Form HUD–92274 analysis not to underestimate necessary project expenses, i.e. because low income rents may not increase at the same rate as expenses during the rent restricted holding period, the appraisal should contain a reasonable initial expense estimate. A final caveat is that for projects already subject to a HUD-insured loan, e.g. section 236 or section 221(d)(3) loan staying with the project after transfer and repairs insured under, say, a proposed section 241 loan, and subject to a 100 percent project-based section 8 contract, the Appraiser may use the greater of either outstanding indebtedness of that loan, or unsubsidized "as is" market value on Line G 73 (See Guideline #1; Consult the assigned Loan Management Servicer regarding the loan's remaining balance, and whether it is in HUD's best interests to use the greater of the two amounts).

b. *Rental analysis.* In contrast to land and expenses, the Appraiser will have to pay close attention to several restrictions in the rental analysis.

1. *Unsubsidized rents.* The Form HUD–92264 T must be completed (See Addendum #3) for projects receiving LIHTCs which seek only mortgage insurance assistance from HUD. Note that if the Sponsor has indicated that 40 percent of the units will be set aside at 60 percent of the area median income as the general set-aside category, the 40 percent set-aside is just a minimum proportion. The Appraiser must check the HCA's allocation contract to find out what percentage of the units will actually be set aside for low income use, i.e. just because the 40%/60% option is selected does not mean that the Sponsor will only set aside 40 percent of the units, or that the rent restrictions will only apply to 40 percent. If the LIHTC allocation assumes a greater percentage of low income units will be set aside, and this was the basis of the Sponsor's LIHTC award, then the Appraiser must reflect this total set aside percentage in processing (The rents for the set aside units are transferred from the Form HUD–92264 T to section C, Form HUD–92264). This should also be cross-checked against the Sponsor's Addendum #2, Item 1c list. Where greater than 40% of the units are subject to rent restrictions, but do not receive project-based section 8 rental assistance, Headquarters approval of the completed underwriting is required. The effect of using the Form HUD–92264 T for rent restricted units will be to reduce the total net operating income (Line F 34 of Form HUD–92264), and ultimately, the Debt Service Mortgage (Criterion 5 of the Trial Form HUD–92264A).

2. *Subsidized rents.* In cases where some additional form of HUD assistance (like, for example, a section 236 project currently receiving 100 percent project based section 8 rental assistance) is combined with a proposed HUD-insured loan (like, for example, a section 241 Supplemental Loan) and LIHTCs to help finance repairs, then the Appraiser must work together with the assigned Loan Servicer to determine what the processing rents will be, and whether they can support the proposal submitted.

For example, the Servicer should show the Appraiser how the current section 8 contract rents are calculated using a format similar to the "Rent Computation Worksheet" (See Handbook 4350.1, REV–1, 9/92 version, pages 7–77 et seq; See also ¶s 7–32 and 7–33). The Servicer and Appraiser must work together to complete a new worksheet, assuming completion of the proposed improvements.

The Appraiser should do a rough calculation of the additional debt service necessary on the section 241 loan, i.e., multiply the new debt service constant, Line 5d of the Trial Form HUD–92264A, by the maximum insurable mortgage (MIM). The MIM's debt service will be used by the Loan Servicer as a new mortgage assumption when completing the draft worksheet.

Next, the Appraiser must refine the result of the Operating Expense Analysis, which assumes completion of proposed improvements. Line E 21 must include both Replacement Reserve for the new improvements and adequate annual reserve requirements for the existing improvements. The Loan Servicer, and if available, HD or HM Architectural staff, should be consulted about the adequacy of the current reserve requirements, and what the total required annual amount will be. The Servicer should share data concerning the operating and maintenance cost of the existing project, and as a result the Appraiser may be able to refine the "After Repairs" Form HUD–92274 estimates. All assigned staff should agree on what the estimated total expenses, including reserves, will be so

the Servicer can complete "Box C" of the worksheet.

The Servicer must complete the worksheet,[2] and then determine whether there is sufficient Budget Authority in the existing section 8 contract to pay the amounts estimated to be necessary. If the FO has sufficient contract authority to grant the section 8 increase involved, no further approvals from Headquarters are necessary. If there is not sufficient contract authority, then the FO should specially request that Headquarters reserve the amendment money necessary, and provide the same to the RO to hold on behalf of the project. The RO would hold the money until the section 241 loan was approved and insured, and then allow for amendment of the section 8 contract, and the FO execution of a new contract. If for any reason the section 241 loan fell through, the Department could recapture the reserve funds and use them elsewhere.[3]

c. *Processing completion.* After determining the land or "as is" value, the project operating expenses, any necessary operating deficit, and the rents as described above, the Appraiser should complete the Forms HUD–92264 and Trial HUD–92264A following basic outstanding instructions. The Appraiser must "back into" the rents for rental assistance cases, i.e. Criterion 5 of the Form HUD–92264A reflects the net operating income which will be transferred to Line F 34 of Form HUD–92264. Line F 33 should reflect the result agreed upon by staff earlier in processing, and the sum of Lines 33 and 34 should be reflected as Effective Gross Income on Line 32. After dividing by the vacancy and loss ratio assumed by the Servicer in the Rent Computation Worksheet, and adding any equity return included to LD Sponsors, the Appraiser can complete Lines F 31 and 30. The Line F 30 Gross Income should be transferred to Line C 32, and after commercial and ancillary income are subtracted from this total, the Appraiser may use the same allocation formula assumed by the Servicer in the Rent Computation Worksheet to distribute rents among the various unit types.

The results can then be checked against the section 8 contract rents assumed by Loan Management in making their assistance request determination. Differences between the mortgage assumed by the HCA in its S&U statement and HUD's maximum insurable mortgage (MIM), or between estimated total replacement cost (Line G 74) and the HCA's estimate, or operating deficit estimates, should be noted in the Remarks section regardless of whether there is rental assistance.

The Appraiser will advise the MR of preliminary results, and forward Form HUD–92264 to Mortgage Credit. Forms HUD–92274, 92273, and 92264 T or "Rent Computation Worksheet" or its equivalent for section 8 cases, a Trial 92264A, and photocopies of processing forwarded must be retained in the Valuation file. Regardless of which criterion limits the mortgage, the MR should include in all project commitments for mortgage insurance which receive LIHTCs the following condition:

This commitment is based on specific assumptions about the receipt of tax credits, and for low income housing tax credit allocations, the limitation of a specific percentage of its units for low income use as certified to by the Sponsor to HUD, and as reflected in the Housing Credit Agency's allocation documentation. If at any time prior to final closing these assumptions change, HUD may alter the insured mortgage amount, or increase cash requirements, to more accurately reflect: the actual net syndication proceeds received or expected to be received through the sale of the tax credits; the actual allocation of LIHTCs, if modified; the actual percentage of set aside units; or the actual allowable syndication expenses and bridge loan costs.

As noted above, HD will not issue a commitment in cases where Headquarters' review and approval are required. As noted below, HD will not issue a commitment in any case until the HCA's response to HUD's assistance review has been received.

d. *Preservation and LIHTCs.* For any preservation cases proposing to combine LIHTCs, insured section 241 loan(s), and any other form of HUD assistance, Appraisers should bear in mind that extension and transfer preservation value estimates should not include any enhanced value by virtue of, or in anticipation of, the LIHTC allocation; rather, the project's transfer and extension preservation values should be measured separately as if no allocation had been awarded. After the Appraiser completes preservation processing according to outstanding instructions, the details of any indicated section 241 (a) or (f) loans will be forwarded to HM. HM will assess the need for such loans and any other HUD assistance/ incentives in conjunction with the HCA's LIHTC allocation, and make recommendations to the Field Office Manager (FOM) regarding section 102 Certification. The HCA must, as always, execute a section 911 certification, and HUD must execute a section 102 certification (See Addendum #5), certifying that "no more assistance than is necessary to preserve affordable multifamily housing" is being provided in such cases (See also section B.4. below). If the HCA takes no part in the SLR, then see instructions below in section A7f.

5. *Mortgage credit special instructions.* Mortgage Credit Examiners (MCEs) should follow outstanding instructions for the review and cost certification of projects combining LIHTCs and mortgage insurance located in HUD Handbook 4470.1 with the following caveats. Prior to commitment in insurance cases, the Sponsor must satisfy the MCE that all cash requirements and required escrows can be funded by the identified sources in a timely manner before and during the construction period as contemplated. At initial closing the Sponsor must fund the escrows required under program rules or assumed under the approved S&U statement. For insurance of advance cases, advances will only be insured and draws approved based on the mortgage's proportionate position as a source for approved development cost uses after all net proceeds front money has been exhausted, i.e. net tax credit proceeds must be available as front money to pay for that source's proportionate share of the draws before any mortgage proceed draws can be approved. See additional instructions below for projects where HUD must do the SLR.

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[2] Upon reaching the point in the Rent Computation Worksheet where returns to equity are estimated, Servicers should allow the same percentage of annual return to any new equity contributed as was originally permitted under the program involved. Program definitions of equity as interpreted together with Guideline #9 should be applied.

[3] For projects which do not currently have a section 8 contract in place, the Servicer would complete the worksheet and then compare the resulting unit rents for the unit types involved to existing fair market rents (FMRs) for those same types. The rents cannot exceed the 100 percent of existing FMRs, unless the area's unsubsidized market would support an increase above the published amounts. If the unsubsidized market supports it, the Field Office Manager may approve and increase rents up to 110 percent of existing FMRs. If the approved FMRs are greater than the estimated amount necessary to service the original debt, service the new debt, and pay total expenses, plus vacancy and loss, and any return to equity, then such rents can be assumed for processing purposes if the Field Office has sufficient contract authority to grant the section 8 increase involved. If "amendment funds" are needed, but no additional section 8 Units are being added, then this request must be made to the regional Funding Coordinator, and the results of the request must be known and processing completed before forwarding the results to the HCA, or issuing any commitment. If the published FMRs are less than the estimated amount necessary, however, or the unsubsidized market does not support exceeding 100 percent of existing FMRs, or, funds are not available to approve increases over the published FMRs, then the proposal, as submitted, must be rejected.

All requested change orders and cost overruns will be treated in accordance with outstanding HUD Handbook instructions. Mortgage increases, however, can only be approved if the required equity contribution under the applicable program has been met, the net tax credit proceeds treated as a front money requirement are exhausted, there is no evidence of diversion of net proceeds for a Use not allowed under the Guidelines, and the project has reached final completion. If the mortgage increase cannot be approved because these or other program requirements are not met, then the owner must contribute additional equity, and such cash requirements must be met prior to final closing.

6. *HUD correspondence with and monitoring of the HCA.*—a. *Communication of mortgage insurance processing and cost certification results.* If the HD staff has recommended approval of the subject's application for mortgage insurance, and conditioned the draft commitment (See section A4c. above), and the Director of Housing Development (DHD) has determined that there are no significant unresolved underwriting issues, and where applicable, Headquarters' has reviewed and approved the project underwriting (when greater than 40% of the units are set aside for low income use, and such units do not receive project-based section 8 rental assistance, Headquarters approval of the completed underwriting is required. See HUD HB 4430.1, REV–1, Issued Sept. 23, 1992, ¶1–42D3.; see also Appendix 4, 9c. DHDs must also see ¶s 1–41 and 1–42 and confer with General Counsel to determine whether use restrictions and subordination issues are satisfactorily addressed. If the underwriting is performed in accordance with these instructions, Headquarters' review will be expedited and commitments can be issued thereafter), then correspondence communicating HUD's essential findings may be sent to the project Sponsor and HCA (See Addendum #4 for format; for section 223(f) cases, see also Addendum #7 for the appropriate S&U format for these cases). No commitment may be issued until a response is received from the HCA. If the HCA agrees to adjust and adjusts its allocation, as necessary, a commitment may be issued for the amount processed and the FOM may be advised to concur by signing the section 102 Certification form attached as Addendum #5. If the HCA does not reduce its allocation, however, when HUD estimates that too much subsidy is being provided to the project, then in accordance with instructions below in section A7., HUD will perform the SLR, reduce its MIM, and the FOM may thereafter execute the section 102 Certification; i.e. since HUD has the ultimate responsibility for assuring that no excess subsidy layering occurs, in cases where the HCA has not or will not adjust subsidy within its jurisdiction, HUD must adjust assistance within its jurisdiction.

Another letter similar in format to Addendum #4 must be sent to HCAs and Sponsors after cost certification which notes any changes in HUD assistance or replacement cost, as necessary. It is critical that FOs communicate all results expeditiously so that HCAs can refine earlier assumptions made regarding the mortgage or replacement cost. For all tax credit cases, DHDs must keep a separate file record of all correspondence with HCAs for RO monitoring purposes.

b. *Developer's fees and net syndication factor schedules.* Generally, HCAs are charged with the duty of determining what percentage of development costs ("allowable costs" during cost certification) the total developer's fee should be under Guidelines #4 and #5. HUD believes that its BSPRA/SPRA allowances provide the Sponsor and its General Contractor adequate compensation in the typical low and moderate income development (i.e. approximately 10 percent of development costs, which is the limit under Guideline #4). But in accordance with Guideline #5, HUD is willing to recognize Additional Developer's Fees for projects located in "qualified census tracts", or having other recognizable risk characteristics. The Guidelines require HCAs to develop a schedule for how much the additional fee should be for projects of identifiable risk characteristics, i.e. the "Risk and Related Profit" schedule, and submit it to HUD FOs and ROs of Housing Development for comment. If the HCA has adequately supported the schedule submitted, then both the applicable RO and FO must recognize it for review purposes and indicate their approval in writing. If the HCA deviates from the schedule which they have established, however, it is important that the FO advise the HCA and RO of all apparent departures. In the absence of an acceptably supported schedule, or if HUD must perform the SLR, the following reflects the maximum for the sum total of Builder's Profit, BSPRA/SPRA, and Additional Developer's Fee, as applicable in a particular case, multiplied by total development costs:

	Rehabilitation	New construction
1st 100 units	17%	15%
Additional units	13%	13%

(For the purposes of this calculation, the total development cost will be divided by the total number of units, and the average unit cost shall be used for the first 100 units. Note: These are *maximum* amounts, but HUD may establish its own schedule as described below.)

HCA (or HUD, where it exclusively performs the SLR—See more below) schedules should comprehend the special and unique circumstances of different development proposals. Such factors may include the need for the particular type of low income housing involved in an area of non-contiguous site development (e.g. scattered site development of 3 Bedroom units), the size of the project, and any special risks the developer incurs that the market would recognize and compensate for to build the proposed housing (See also Guideline #5). The schedule should not be arbitrarily established without any rational basis. The sum of amounts allowed under Guidelines #4 and #5 cannot exceed 17 percent of total development costs (as defined in the Guidelines) during processing, or allowable costs during construction and cost certification. HCAs may not approve in excess of 13 percent of total development costs for the sum of Guidelines #4 and #5 until HUD ROs and FOs have received the HCA's proposed schedule, reviewed it to determine if it is adequately supported, and approved it by written response to the HCA.

HCAs should also establish Net Syndication Factor Schedules reflecting how the following factors affect net cash amounts obtainable through syndication: public vs. private offerings, type(s) of HUD assistance the LIHTC is combined with, individual vs. corporate investors, the installment/infusion period of syndication proceeds, rent-restricted holding period. In the absence of data, HCAs may assume the applicable factor under Guideline #10 is presently obtainable for the purposes of allocation. Documentation evidencing the funding of Letters of Credit, as applicable, should also be submitted. The HCA's schedules should be adjusted as necessary based on actual syndications. On an annual basis, HCAs must submit data to the applicable HUD RO to the attention of the Regional Administrator (RA) from any and all actual syndications which support the factors assumed when awarding

allocations. DHDs must simultaneously provide to the RA's office photocopies of the FO LIHTC correspondence files and all applicable processing forms for comparison. HCAs must clearly identify the Approved LIHTC Allocation, Gross Syndication Proceeds received or receivable, Bridge Loan Costs, Syndication Expenses, and resulting Net Proceeds for each transaction. The HUD FO Net Proceeds front money requirement should closely approximate this amount. Because LIHTCs are a limited resource, HCAs should be encouraged to reallocate to other needed multifamily projects any recaptured LIHTCs resulting from their SLRs. Failure to establish and adjust rational schedules is, in itself, adequate basis for revocation of the HCA's section 911 authority (see Monitoring below).

c. *Monitoring.* In monitoring the HCA's implementation of the Guidelines, HUD should accept without notice any reasonable differences between HCA's development cost uses and HUD's cost certifiable allowances. Similarly, HUD may disregard any minor differences between the front money net syndication proceeds and the amount reflected by the HCA in its final S&U statement. But if significant differences between HUD's estimate of allowable sources and uses under the Guidelines and the HCA's exist, and the HCA provides no reasonable explanation for such differences, or the HCA makes no reasonable effort to refine individual allocation awards to bring the S&U statement into balance, or recapture LIHTCs from projects receiving excess subsidy, or to require Sponsors to apply such excesses to prepay HUD insured loans, or recover shortfalls through collection on the Letter of Credit required under Guideline #10 to pay all approved project uses, or refine its schedule of factors to reflect actual syndications, or to establish competitive procedures which assure that the maximum level of investment capital is obtained through syndications and no diversions or delayed receipt of proceeds occur, or annually report all actual syndication data and make available to HUD on site inspection of all records of the same, as requested, the RA must put the HCA on notice of HUD's determination and the details supporting HUD's position. If after repeated notice, substantial differences in HCA guideline interpretation or implementation persist, a Notice of Revocation of Authority should be prepared with the assistance of Region's General Counsel, as is consistent with section 911 of the Housing and Community Development Act of 1992.

7. *Surrendered/revoked HCA authority and HUD assistance reduction.* In areas where the HCA voluntarily surrenders its section 911 authority, or HUD revokes it, or if the HCA awards too much subsidy in any individual case and will not reduce it, affected RO & FO HD Valuation and Mortgage Credit staffs will first complete the instructions above, and then follow the procedure outlined below:

Summary: Letters of Credit (LC) for up to 3% over scheduled factors, if applicable (See Guideline #10), must be funded separately from all other sources by the Sponsor, and must be held by the mortgagee until it can be demonstrated that the syndication proceeds will meet or exceed the schedule amount, at which time HUD may authorize the release. Such additional factored amounts should only appear on the S&U statement under Net Proceeds if a LC is funded by the Sponsor at initial endorsement. If the Sponsor's net syndication estimate is greater than HUD's but the Sponsor cannot fund the difference, then note the difference under Remarks and use the lower amount in processing below. If such excesses materialize, they will be applied to prepay the mortgage loan. In cases where project principals have elected to hold the LIHTCs rather than sell them, or to syndicate only a part of the allocation, HUD will "impute" the value of such credits to the project mortgagor using the appropriate market-based factor for all portions of the allocation retained. In effect, the procedures outlined below impose another MIM limitation to reduce mortgages where too much assistance has otherwise been awarded.

a. *Replacement cost formula (RCF) uses.* For new construction or substantial rehabilitation, complete the RCF (See Addendum #6) using the Form HUD–92264 construction estimates and applicable land or "As Is" value. The Valuation Branch will:

1. Use an appropriate net syndication factor to estimate tax credit proceeds, and reflect the assumptions in the Remarks section. Subtract from this amount all allowable uses funded by sources other than the mortgage (See Attachment #2 format of Addendum #8). Assume that the reminder is available for mortgageable replacement cost items and deduct it from the RCF like a grant, or any other deduction. Thus, Valuation does not deduct tax credit proceeds earmarked for non-replacement costs (i.e. not mortgageable) items. Read the Guidelines for such allowable amounts and check with the DHD for any appropriate Additional Developer's Fee.

2. Deduct the amount of any applicable grant/loan funds attributed to replacement cost (mortgageable) items when computing RCF.

3. Prepare a trial copy of the Form HUD–92264A following outstanding mortgage credit instructions as modified by ¶16–3 of Handbook 4470.1, REV–2, issued 9/92.

4. Complete the Total Estimated Replacement Cost of Project in § G of Form HUD–92264 using the MIM developed on the Trial Form HUD–92264A.

b. *Mortgage credit examiners will:* follow instructions contained in chapters 15, 16, and 18 of 4470.1, REV 2, issued 9/92, except as they are expanded or modified as follows:

1. Tax Credit Proceeds:

a. Deduct non-mortgageable tax credit proceed uses from the estimated net syndication proceeds (whether proceeds are calculated by schedule estimate during processing, as indicated by Valuation in the Remarks section, or based on the actual syndication and bridge loan financing). The remainder shall be considered proceeds available for mortgageable replacement cost items (uses) and shall be deducted from Criterion 3 in the same manner as grants/loans in ¶16–3A. Similarly, treat such net proceeds available for mortgageable items the same as grants/loans for mortgageable items in accordance with ¶16–3 B to H.

b. Do not affect any other criteria on Form HUD–92264A except as low income restrictions affect Criterion 5 in non-project-based § 8 cases, and for substantial rehabilitation Criterion 6 (§§ 207 or 231 only) is affected by cost reductions for mortgageable items, or for § 223(f) cases the lowest mortgage criterion, the MIM, is affected (See § A7c. below).

c. Cannot be used to meet the mortgagor's required investment except as permitted to fund working capital under Guideline #6, operating deficit escrows under Guideline #7, or other exceptions to fund the minimum equity requirement discussed under Guideline #9.

2. The lowest mortgage permitted by the applicable criteria becomes the MIM.

c. *Section 223(f).* Instead of using an RCF, and because section 223(f) is a "value" program, Appraisers and MCEs will simply and directly reduce the MIM by the sum total of any grants, special loans, and mortgageable net tax credit syndication proceeds (i.e. deduct from the total net proceeds all approved uses payable by sources other than the

mortgage, before adding this amount to any grants/loans, and reducing the MIM by the sum total of deductions for mortgageable items).

d. *Initial endorsement.* Instructions contained in chapters 15, 16, and 18 of HUD HB 4470.1 are expanded or modified as follows:

Sponsors must submit complete details concerning any bridge loan financing prior to issuance of a firm commitment as part of the overall financing plan and schedule required under ¶ 18–4 (See all review requirements discussed thereunder). If syndication proceeds are to be used for mortgageable items, these funds should be treated as front money and used prior to the disbursement of any mortgage proceeds in all insurance of advance cases. Further, the funding of other uses outside the mortgage permitted under the Guidelines must be accomplished in accordance with outstanding instructions, e.g. the operating deficit must be funded by such tax credit proceeds or funds secured by these in a timely manner. Similarly, the working capital reserve, where appropriate, must be funded at initial closing. If the details of the financing plan as submitted, or the timing or amounts of any syndication proceeds installments, indicate that the mortgagor will be unable to make timely payment of any mortgageable or non-mortgageable item in an acceptable manner, then it is a mortgage credit reject, until bridge loan financing or some other acceptable device for filling any gap in the timing or amount necessary is obtained by the Sponsor and is not secured by the real estate.

e. *Processing completion.* The MR should be advised of the preliminary results, and the Forms HUD–92264 and 92264A may be used to draft the commitment. Regardless of which criterion limits the mortgage, and whether HUD or the HCA has adjusted assistance within its jurisdiction from initially assumed amounts, the MR should include in all project commitments for mortgage insurance which receive tax credits the condition referred to in section A4c. above.

f. *Preservation and LIHTCs.* For any preservation cases proposing to combine the receipt of LIHTCs, section 241 loan(s), and any other form of HUD assistance, Appraisers should bear in mind that extension and transfer preservation value estimates should not include any enhanced value by virtue of, or in anticipation of, the LIHTC allocation; rather, the project's value should be measured separately as if no allocation had been awarded. After the Appraiser completes preservation processing according to outstanding instructions, Net Syndication Proceeds available for mortgageable items must be deducted from the equity loan amount(s) otherwise estimated (For title II, See Notice entitled Housing Development Instructions for Processing Plans of Action Under Title II of the Housing and Community Development Act of 1987 and Associated Section 241(f) Loan Applications, especially ¶ 3–3 B.17, "Owner's Equity, Maximum Equity Loan Based on Value and Combined Equity Loan"; For title VI, See Notice entitled Development Processing Instructions for Section 241(f) Under Preservation Title VI, especially section III.C.6, "Determination of Maximum Insurable Loan, section I of Form HUD–92264A, Supplement to Project Mortgage Analysis"). It is possible that the need for equity loans could be completely obviated by a LIHTC allocation, but this is consistent with HUD's requirement to certify that "no more assistance than is necessary" is being provided to the project, and is not inconsistent with the requirement under the Preservation Guidelines that Sponsors receive adequate consideration for any equity present (they are receiving it from the HCA in such cases). If any section 241 loan remaining can be approved, then the DHD may recommend that the FOM execute the section 102 Certification (See Addendum #5; See also section B.4. below).

8. *Section 102 Certification.* After any and all unresolved issues affecting the underwriting have been satisfactorily addressed, the FOM must sign the section 102 Certification contained in Addendum #5, and retain it in the FO and Washington Docket files. A section 102 Certification must be made for every HUD assistance case involving other assistance from outside HUD. This means that where viable SLR HCAs have made a section 911 Certification and submitted an acceptable balanced S&U Statement containing an approvable amount of HUD assistance, the section 102 Certification must be made. If an HCA does not accept section 911 authority, or it has been revoked, or the HCA does not comply with the Guidelines in an individual case and HUD has exclusively performed the SLR in accordance with instructions in section A7. above, the section 102 Certification must be made. Mortgage insurance commitments should contain the provision included above and any reduced mortgage amount(s) which the SLR necessitate, and should be executed simultaneously with the section 102 Certification. Changes in the LIHTC allocation amount, allowable syndication and bridge loan expenses (see Addendum #8), and any change orders or mortgage increase requests should be handled during the course of cost certification as described above and in the Guidelines, and an updated section 102 Certification—Addendum #5—documenting any changes should be included in the Docket files. For projects which combine HD mortgage insurance assistance and also project-based section 8 rent increases or some other form of HM assistance, HD must recommend approval of insurance, and HM must provide assurance that necessary funds are available and approved before FOM certification.

B. Housing Management

The instructions below provide the FOs and ROs direction on how to review various requests for HUD assistance from the Office of Management when combined with LIHTCs.

1. Transfers of Physical Assets (TPAs)

When TPAs are combined with LIHTCs but no additional assistance is being requested from HUD, neither the HCA nor HUD need perform a SLR or make certifications. HUD has previously determined that the combination of LIHTCs and a TPA alone is not a form of subsidy layering and that the existing program guidance and policy in effect will be used to determine whether the project is positively affected by the TPA, i.e. FOs should process TPAs using instructions in HUD Handbook 4350.1 CHG 55.

2. Flexible Subsidy and LMSA Section 8 Rental Assistance

Annual Adjustment Factor rent increases are not considered additional assistance, so neither the HCA nor HUD need perform a SLR or make certifications.

3. Budget-Based Section 8 Rental Increase Requests.

As discussed above in section A, the assigned loan management servicer to an existing loan which also receives project based section 8 rental assistance must work together with an assigned Appraiser if newly insured loans are proposed. If the Sponsor is requesting a budget-based increase to finance repairs, together with the receipt of LIHTCs, and a new loan, follow the instructions as outlined above. If no new loans are sought, then follow outstanding instructions in determining whether the request should be approved, and limit LD owners to the same annual return on any new equity contributions (as

defined under Guideline #9) as applied under the original program.

4. Preservation.

As noted above in section A, preservation loans and additional section 8 units or assistance requests, when combined with LIHTCs from a viable HCA administering the SLR, must be evaluated by the HM staff as a part of the total incentives equation. If HM determines that the LIHTCs awarded obviate the need for any additional HUD assistance as an incentive, including preservation loans as estimated by HD, then the request should be denied, and this decision must be communicated to the HCA, advising them that a re-allocation or adjustment of the LIHTC award would be necessary before additional HUD assistance will be considered as an appropriate incentive. If the assistance requested, taken together with the LIHTC allocation, is believed to be the necessary level of incentive to retain the low income housing in question, without unduly enriching the Sponsor, but providing the equity otherwise permissible under the Preservation Guidelines, then the request can be approved, and this determination should be communicated to the HCA by sending it a copy of the HUD's section 102 Certification (Addendum #5) and the details of the assistance incentives agreed upon. Where the HCA's delegated authority has been relinquished or revoked, HD must determine whether any section 241 loans are appropriate as discussed above, and Directors of both HD and HM must make recommendations concerning the FOM's execution of the section 102 Certification.

5. Property Disposition and Section 8 Rental Assistance

6. Monitoring.

The monitoring of HCA implementation of section 911 SLR responsibilities when LIHTCs are combined with assistance provided through the Office of Housing Management shall be handled in a manner similar to that described above for HD. The FO will forward to the Regional Administrator's Office all correspondence relating to such cases, detailing the amounts and types of HUD assistance involved. For preservation cases the FOM's certification and a brief summary supporting the conclusions reached should be included. The RAs will make the final determination as to whether an HCA's section 911 authority will be revoked or continued, and whether HUD ROs & FOs have acted properly.

Addendum #1—Owner's Certification that Project Will Not Participate in the Low Income Housing Tax Credit or Historic Tax Credit Program[4]

To: HUD Field Office
Re: Project No.: _____
Project Name: _____

1. I certify that neither I nor any other representative of the project identified above currently intends to participate in a tax credit program with regards to the subject project. "Participation" includes receipt or ongoing claim of any tax credits from an authorized Housing Credit or Finance Agency regardless of the amount.

2. If plans change and I or another representative of the project decide to participate in tax credit programs with regard to the subject project, I will notify you in writing immediately following our decision to participate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

_____
Signature

_____
Date

_____
Name

_____
Title

Addendum #2—Materials LIHTC Participants Must Submit

1. Brief summary of the terms on which the owner will participate in the program, including:

a. The annual credit amount, the type(s) of credit (new construction, acquisition, or rehab); the date the 10-year credit period will begin; the credit percentage awarded for each type of credit; and the maximum qualified basis for each type of credit;

b. Which income eligibility limit will apply (50 or 60 percent of median income) to what minimum percent of the total units (20 or 40 percent) and how many units, if any, will be set aside for families with incomes below 40 percent of the median income (deep-rent skewing);

c. A list of units for which credits will be claimed, and the percentage of total units for which LIHTCs are awarded. Give the number of units in each bedroom size and the initial tax credit rent limit for each unit size. Also indicate which units, if any, will be held for families with incomes below 40 percent of the median income.

Note: The 1989 Omnibus Reconciliation Act sets the rent limit based on the median income of "hypothetical" households having 1.5 persons per bedroom. Under previous law, rent cap was based upon the actual size of the household occupying the unit.

2. Copy of (a) IRS Form 8609, Low Income Housing Credit Allocation Certification; or (b) a report on the status of any tax credit allocation still in process and a copy of any credit agency reservation form or other document indicating agency's intent to award credits to the project.

3. Whether credit will be claimed by current owners or sold to new owners.

4. List of all federal/state/local government insurance, loan, grant, or subsidy programs in which the participant plans to participate and any grants or below-market loans expected to be received from non-government sources. For each loan, give interest rate, term, and amount.

5. Sources and Uses of Funds Statement, itemizing (a) all funds available; (b) all purposes for which funds will be disbursed; (c) dates any investor contributions are due. Where a Bridge Loan will be obtained which is secured by such funds, the lender (if known), terms and conditions of the loan, and interest and finance charges associated with the loan are required, and such information must be updated throughout assistance review until final approval.

6. A statement in which the applicant agrees to promptly notify the HUD Field Office of any change in the information provided pursuant to this attachment.

Note: The following language must be included in the submission and the applicant's signature must appear directly below this warning.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Public Reporting Burden

This collection of information is estimated to average one-half hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

—Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, DC 20410–3600

—Office of Management and Budget, Paperwork Reduction Project (2502–0377), Washington, DC 20503

[4] This Addendum, and Addendum #2, essentially mirror Attachments 1 and 2 to Notice H 90–17, and replace those reporting forms.

Addendum #3—Processing HUD Insured Projects Involving Low Income Housing Tax Credits Using Form HUD–92264–T

A. Purpose

This attachment provides modified underwriting instructions for processing projects where owners will receive low income housing tax credits (LIHTCs).

B. Background

The Tax Reform Act of 1986 amended the Internal Revenue Code to create new Federal Tax Credits for owners of low income rental housing. In Public Law 101–239, dated December 19, 1989, the applicable maximum affordable monthly rents for most apartment sizes are to be based on the program income limits by household size assuming an occupancy of 1.5 persons per bedroom and efficiency units without a separate bedroom would have income limits based on occupancy by one person. In order for a household to qualify as tax credit assisted they must have an income at or below the program income limit for their respective household size.

The calculation of the maximum affordable monthly rents for tax credit units is based on tenants paying at least 30 percent of income for rent. Analysis of program participation has shown that few households in tax credit projects spend more than 40 percent of income for rent. This means that, if rents are set at the maximum, the potential market is restricted to income-eligible households with incomes between 75 and 100 percent of the respective income limit. Most households with incomes lower than this would be unable to afford the statutory maximum rents. As a result, when the proposed rents are set at the statutory maximums, the market for a tax credit assisted project is comprised of a relatively narrow band of income eligible renters, which can result in a problem with the market feasibility of the project. Therefore, depending on the particular market area and the rental market conditions in that area, there may be an insufficient number of potential renters that meet the income limit criteria and who are also willing and able to pay the maximum allowable rent.

Program data show that this potential marketability problem has been dealt with either by charging lower rents or obtaining other subsidies to lower the rent. The available information on tax credit assisted units shows that most projects have established rents below the maximum permitted by the statute. In addition, over 80 percent of projects funded had some other form of assistance to further reduce tenant rents.

The extent to which there is an adequate supply of units with rents at or below those proposed would also limit the market. An analysis of the market prospects of a proposed project, therefore, requires information on the current market conditions for this type of project, and information on the marketability of the proposed project relative to other options available to those income-eligible households.

Thus, market demand for tax credit units depends on several factors: The number of income qualified households and the willingness of those same households to pay the proposed rents; the supply of comparable units at rents equal to or less than the proposed rents; and, the marketability of the proposed units in comparison to the existing supply.

Therefore, if the Field Office determines that there is insufficient demand for the units at the proposed rents the Field Office should set the rents at lower amounts, as necessary to broaden the market band sufficiently to attract the potential tenants needed to ensure market feasibility. This determination should take into consideration the current and anticipated supply/demand conditions in the overall rental market, and potential depth of the market of income eligible households in comparison to the number of units at the proposed rents, and the marketability of the proposed units taking into account the project's amenities, rents and location relative to comparable and competitive projects and other options available to those income eligible households.

C. Special Processing Instructions

In order to make the rent estimates based on income limits as close as possible to the income limits described in the legislation, the following instructions for processing HUD-insured projects involving LIHTCs using revised Form HUD–92264–T shall be used. Using this form and the following directions, the Department will determine the appropriate processing rents for the low income units required by the Tax Credits. (In the case of projects with "deep skewed" rental units, it may be necessary to compete two separate revised Forms HUD–92264–T, since two different qualifying income limits may apply to lower income units of the same size.)

1. *Line 1* of Form HUD–92264–T for each affected unit size, enter the market rental estimates from Form HUD–92273.

2. *Line 2*—If utility costs are to be paid by the tenant, enter an estimated Personal Benefit Expense (PBE) for services or utilities not included in the market rental estimate.

3. *Line 3*—Enter the applicable income limit. For purposes of this rent estimation exercise, the applicable income limits by unit size are as follows:

Column A[1] applicable limit if 20%/50% restriction applies	Column B[1] applicable limit if 40%/60% restriction applies	Column C[1] applicable limit if 15%/40% restriction applies
Eff. 1 Person Section 8 Very Low Income Limit	120% of Column A Limit	80% of Column A Limit.
1-BR 1.5–Person Section 8 Very Low Income Limit[2]	120% of Column A Limit	80% of Column A Limit.
2-BR 3–Person Section 8 Very Low Income Limit[2]	120% of Column A Limit	80% of Column A Limit.
3-BR 4.5–Person Section 8 Very Low Income Limit	120% of Column A Limit	80% of Column A Limit.
4-BR 6–Person Section 8 Very Low Income Limit	120% of Column A Limit	80% of Column A Limit.

[1] The use of these limits by HUD for underwriting purposes is not meant to imply that the Internal Revenue Service will necessarily use the same limits in determining whether tenants will qualify as low income for purposes of the Tax Credit.

[2] One and one-half-person Section 8 very low income limit is computed by adding the one person Section 8 very low income limit to the two-person limit, the dividing the sum by 2. Likewise, the four and one-half-person Section 8 very low income limit is the sum of the four-person limit and the five-person limit, divided by 2.

4. *Line 4*—Compute and enter the estimated maximum affordable monthly rent for each affected unit size. Compute that rental estimate as follows:

a. Multiply the income limit on line 3 of the form by 30 percent (.30);

b. Divide the product obtained in step a by 12;

c. Subtract the monthly PBE (if any) on Line 2 from the quotient obtained in step b.

5. *Line 5*—Where the Valuation staff has evidence that the project's tax credit assisted units would not be marketable to income eligible households at the lesser of the maximum affordable monthly rents (Line 4) or the rent by market comparison (Line 1), based on the market analysis review by the EMAS, enter the recommended estimated monthly rent obtainable for the restricted units, as approved by the Director, HD Division. For Section 223(f) cases involving projects with existing Section 8 HAP contracts, use this line to enter the processing rents calculated in accordance with the outstanding instructions involving the refinancing or purchase of Section 8 projects with outstanding project based contracts.

6. *Line 6*—Monthly Rent Estimated for Restricted Units. Enter the least of lines 1, 4, or 5.

7. *Line 7*—Enter the number of each unit type with income limits shown on line 3.

8. *Line 8*—Enter the number of each unit type shown on another Form HUD-92264-T with other income limits.

9. *Line 9*—Enter the number of each unit type with no income limits using unsubsidized market rents from line 1.

D. *For Further Information*—Any questions concerning this attachment and completion of revised Form HUD-92264-T which follows should be directed to the Office of Insured Multifamily Housing Development, Technical Support Division, Valuation Branch, (FTS 8-202-708-0624).

FORM HUD-92264-T.—RENT ESTIMATES FOR LOW OR MODERATE INCOME UNITS IN NON SECTION 8 PROJECTS INVOLVING TAX EXEMPT FINANCING OR LOW INCOME HOUSING TAX CREDITS

Unit size	0-br	1-br	2-br	3-br	4-br
1. Rent by Market Comparison:					
2. Personal Benefit Expense (if any):					
3. The Percentage of Median Income (adjusted for family size) used for income limits: 40%, 50%, 60% (circle only one; then enter the applicable dollar income limit for each unit):					
4. Estimated Maximum Affordable Monthly Rent for Restricted Units:[1] (.30 × Line 3)—Line 2 ÷ (12)					
5. Estimated Obtainable Monthly Rent for Restricted Units[2]					
6. Monthly Rent Estimate for Restricted Units (least of lines 1, 4, or 5)[3]					
7. Number of each unit type with income limits shown on line 3					
8. Number of each unit type shown on another form HUD-92264-T with other income limits					
9. Number of each unit type with no income limits using unsubsidized market rents from line 1					

[1] Where State or local laws, ordinances or regulations limit the rent to an amount lower than this formula estimate, or the Sponsor's proposed rent is less than this formula estimate, enter the lower amount and explain below.

[2] Where the Valuation staff has evidence that the project's tax credit assisted units would not be marketable to income eligible households at the lesser of the maximum affordable monthly rents (Line 4) or the rent by market comparison (Line 1), based on the market analysis review by the EMAS, enter the recommended estimated monthly rent obtainable for the restricted units, as approved by the Director, HD Division. For Section 223(f) cases involving projects with existing Section 8 HAP contracts, use this line to enter the processing rents calculated in accordance with the outstanding instructions involving the refinancing or purchase of Section 8 projects with outstanding project based contracts.

[3] Enter in Section C or Form HUD-92264.

Addendum #4—Sample HD Correspondence to HCA

We have processed (Sponsor's name)'s loan application (or substitute "cost certified the costs under the construction loan", as applicable) in accordance with special processing instructions, and can report the following salient points:

—Our underwriting criteria do not permit us to insure a loan in excess of $_____. (Pre-Commitment this will usually be the Criterion 5 debt service limitation because of the reduced NOI caused by rent restricted units; Post-Cost Certification, mortgage increases or reductions are possible);

—We estimate that the total replacement cost of mortgageable items which should be recognized under the Guidelines is $_____. This should approximate the amount you approve under the top portion of the uses part of the Sources and Uses Statement. (Pre-Commitment, this will typically be Line G 74 of the 92264 for new construction and substantial rehabilitation; Post-Cost Certification, it will be allowable costs plus the appropriate land and/or improvements value. For § 223 (f) report the "Subtotal Uses Related to Mortgage Financing" to the HCA instead of replacement costs);

—Our estimated value of the land and/or improvements, as applicable, is $_____. Please note that Guideline #1 only permits this amount be recognized as an approved use on the Sources and Uses Statement.

—Our processing indicates that the acceptable uses otherwise recognizable under the Guidelines for the operating deficit is $_____, and for the working capital is $_____. (If HCAs do not recognize HUD's deficit estimate, then for commitments use the HCA's estimated operating deficit—if it is greater than HUD's, modifying the form to provide that unused amounts will prepay the mortgage loan. Use HUD's estimated working capital for new construction and substantial rehabilitation commitments, and after cost certification, adjust it as necessary);

—The required equity contribution of the Sponsor under this program is $_____% of replacement cost. (or substitute "value" for section 223 (f)).

—If the LIHTCs are presently valued at $_____ (e.g. 48 cents on the dollar of allocation awarded), this means that the award you initially reserved is worth $_____ to the Sponsor.

In order for HUD to underwrite the loan stated above, and for you to re-certify that no more assistance than is necessary goes to the project Sponsor, we believe that the allocation, according to this scenario, should be reduced to $_____. However, this is based

on the following sources and uses assumptions:

Sources:
- Required Equity Contribution. _____
- HUD loan limitation ... _____
- Present Value of LIHTC allocation of $_____at $_____%. _____
- Sources Total: _____

Uses:
- Replacement Cost/Value Project Uses. _____
- Other Uses Permitted under Guidelines. _____
- Uses Total: _____

Alternatively, please notify us if you determine not to reduce the LIHTC allocation, with your § 911 Certification and revised, balanced Sources and Uses Statement. If we do not concur in your approved Sources and Uses Statement, however, we may reduce the mortgage, and issue a commitment for a lesser amount. We will await your decision before reducing the loan or issuing any commitment or approving any other assistance. If this is your final § 911 Certification, please indicate whether any net syndication proceeds excess will be applied to prepay the mortgage loan.

If you wish, you may meet with our Cost Analysts, Appraisers, and Mortgage Credit Examiners to discuss the basis of our underwriting, and our conclusions about replacement cost estimates or other permissible project uses under the Guidelines. If as a result of that meeting you are able, for your purposes, to satisfactorily explain any differences between our estimates of project uses and your own, please note them in the file for HUD's future monitoring of your § 911 authority.

Total Unknowns ..... _____%=C

New Construction With BSPRA:
- Project Cost less Deductions (A+(1.1B)−D) / (1−(1.1C)) ..... $_____=X
- Total Project Replacement Cost ×+D ..... $_____=R

New Construction Without BSPRA:
- Project Cost less Deductions (A+B−D) / 1−C) ..... $_____=X
- Total Project Replacement Cost ×+D ..... $_____=R

Rehabilitation Construction With BSPRA:
- Project Cost less Deductions (A+(1.10055B)−D) / (1−(1.10055C)) ..... $_____=X
- Total Project Replacement Cost ×+D ..... $_____=R

Rehabilitation Construction Without BSPRA:
- Project Cost less Deductions (A+B−D) / (1−C) ..... $_____=X
- Total Project Replacement Cost ×+D ..... $_____=R

Maximum Mortgage; New Construction or Rehabilitation:
- R−D=$_____ × Loan Ratio _____%= $_____
- (Rounded down to nearest $100 is maximum RCF mortgage)

Complete Section G of Form HUD–92264 using the MIM. The "Total Estimated Replacement Cost of Project" will approximate "R" as calculated by formula when Criterion 3 limits the mortgage.

Note that for the new construction Interest calculation, ½ of the MIM is used to determine the Section G amount. For Rehabilitation construction, add ½ of the MIM and ½ of either "As Is" Value or existing debt when recalculating Interest for Section G.

Addendum #7—Sample Format Sources and Uses Section 223 (f)[5]

Sources:
- LIHTC Source:
  - Estimated Net Syndication Proceeds[6] ..... $_____
- Separate Equity Sources:
  - Minimum Required Equity Contribution[7] ..... $_____
  - Additional Equity Necessary[8] ..... $_____
- Grant Sources:
  - Indicate any grants for project uses ..... $_____

Subtotal LIHTC, Grant, and Equity Sources ..... $_____
(Do not include Min. Equity in sum if funded by LIHTC proceeds)

	Program:	Mortgage:
Debt Sources:		
HUD loans/programs[9]	_____	$_____
Other loans	_____	xxxxxx
Subtotal Mortgage Sources	_____	$_____
Total Sources		$_____

Project Uses:
- Use Limitations Related to Mortgage Financing:
  - Use Limitation "A":
    - "Fair Market Value" of the Property Including Required Repairs, from § L, Form HUD–92264— ..... $_____
    - Use Limitation "B": (for projects being acquired) Item 7g., Form HUD–92264A[10]— ..... $_____
    - Use Limitation "C": (for projects owned) Item 10g., Form HUD–92264A[11]— ..... $_____

Subtotal Uses Related to Mortgage Financing:
- For Property Acquired (lesser of "A" or "B")— ..... $_____
- For Property Owned (lesser of "A" or "C")— ..... $_____

Uses Permissible Under Guidelines, but Payable by Sources Other than the Mortgage:
- Resident Initiative Fund (Not to Exceed 10% of Net Syndication Proceeds)— ..... $_____
- Operating Deficit Reserve— ..... $_____
- Developer's Fee[12]— ..... $_____
- Appraisal, Cost Analyst, Accntnt Fees— ..... $_____
- Other[13] ..... _____

Subtotal Uses Otherwise Permissible ..... _____
Total Project Uses ..... _____

[5] The format for new construction and substantial rehabilitation appears in the Guidelines as Attachment #2. This format, in contrast, is only appropriate for projects which HCAs have awarded "rehabilitation" LIHTCs, but proposed repairs are less than those required to meet HUD's substantial rehabilitation eligibility rules.

[6] The amount obtainable by the owner through the syndication of the LIHTCs awarded (i.e., gross proceeds less syndication expenses and bridge loan interest and costs).

[7] 15% multiplied by the Subtotal Uses Related to Mortgage Financing from below equals the Minimum Required Contributed Equity. LIHTC syndication proceeds may not generally fund this requirement directly, but see Guideline #9 exceptions.

[8] Additional Equity Necessary is the additional amount needed to be contributed by the mortgagor to balance the sources and uses when no additional monies are available from other sources.

[9] The HCA may assume estimated amounts for the initial allocation review; HUD will communicate processing results at the time it is preparing to issue a commitment, and will advise of any changes prior to final closing.

[10] See HUD Handbook 4480.1, pages 2264A–18a. through 18d.

[11] See HUD Handbook 4480.1, pages 2264A–18g. through 18j.

[12] Whatever the applicable percentage according to "Risk and Related Profit" schedule for the type of "rehabilitation" involved, the percentage must be multiplied by the "required repairs" cost according to HUD's estimate, and the result shall serve as a limitation payable by other sources. There are only minimal soft costs related to such construction since repairs must be completed prior to closing or properly escrowed for, and what closing costs there are will not be included in the base used for determining Developer's Fees, nor will any value already present (i.e. not added by the developer).

[13] Please note that working capital reserves do not apply to section 223 (f) loans, and thus, are not an allowable use.

Addendum #8—Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–93–; FR–3334]

Administrative Guidelines—Limitations on Combining Low Income Housing Tax Credits With HUD and Other Government Assistance

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

ACTION: Notice of Administrative Guidelines to be Applied in Implementing the Requirements of section 102 of the HUD Reform Act of 1989 and section 911 of the Housing and Community Development Act of 1992.

SUMMARY: This document sets forth the administrative guidelines which HUD and Housing Credit Agencies (HCAs) as defined under section 42 of the Internal Revenue Act of 1986, must follow in implementing the requirements of section 102 of the HUD Reform Act of 1989 and section 911 of the Housing and Community Development Act of 1992. These guidelines were designed to ensure that participants in multifamily projects do not receive excessive compensation by combining low income housing tax credits (LIHTCs) with sundry HUD program assistance, or with assistance from other Federal, State, local, or private agencies. The guidelines also advise HUD and HCAs of how they may implement section 102 (d) certification requirements that any LIHTC allocation that HCAs may award "shall not be more than is necessary to provide affordable housing after taking account of (other government assistance)", and how HCAs will meet the statutory requirement to "* * * adjust the amount of assistance awarded or allocated to an applicant * * * for any changes reported (while applications are pending or assistance is being provided)".

These guidelines should make the "Subsidy Layering" review process more workable for nonprofit community groups and builders who rely on the LIHTC, combined with HUD or other government assistance, to produce low income housing. The revised procedure provides for the following:

a. Section 911 of the Housing and Community Development Act of 1992 (HCDA '92) provides that HCAs must conform to guidelines established by the Secretary to prevent projects from receiving excessive subsidy under section 102 of the HUD Reform Act of 1989 (HRA '89). The Secretary reserves the right under Section 102 of HRA '89, and the audit authority provided by section 911 of HCDA '92, to make the final determination that there is no excessive subsidy. HCAs must comply with the guidelines, procedures, and attachments discussed and included in this Notice, and HUD shall monitor HCAs for compliance. For projects combining HCA and HUD assistance, the applicable HCA must certify to the applicable HUD Field Office (FO) that it will follow these procedures. Where the HCA has not so certified, or where it has but does not comply with the guidelines and procedures, or where HUD revokes an individual HCA's authority for noncompliance, the applicable HUD FO will exclusively perform the subsidy layering review and make the section 102(d) certification. When awarding or adjusting LIHTC allocations, HCAs must review all Sources and Uses to determine whether reported amounts are reasonable and appropriate (See Attachment #2 for sample format).

b. HCAs must provide to HUD, and update as necessary, their guideline compliance certifications[5] (See Attachment #3 for sample format) and accompanying approved Sources and Uses Statement from the initial LIHTC allocation, through construction and cost certification stages, until final endorsement or final HUD assistance approval when a final guideline compliance certification is made by the HCA.

c. Where sponsors have reported to HUD the receipt of LIHTCs in a request for some form of HUD assistance, HUD must advise HCAs of the results of their review of that assistance request, and update as necessary through final endorsement or until the assistance is otherwise finally approved. This includes the results of mortgage insurance application processing, requests for the transfer of physical assets (TPAs) involving requests for increased Section 8 rent subsidies (if the increase goes beyond annual rent increase requests to, for example, finance additional improvements), requests for "flexible subsidy" funds, requests for preservation loans or other incentives, CDBG grants, and any combination of HUD assistance programs.

d. For projects combining LIHTCs and HUD mortgage insurance, HCAs must require, as a separate and identifiable source of funds, sponsor equity contributions which are consistent with the loan to value ratio of the program involved. For example, new construction or substantial rehabilitation proposals made by profit motivated sponsors under section 221 require a 10 percent (of replacement cost) equity position. The net proceeds obtainable through syndication of the LIHTCs awarded is a separate source of funds, and must be analyzed independent from the equity stake which sponsors must have in the project. For all types of sponsorship, however, Developer Fees that have first been determined reasonable under the guidelines as approved project costs (i.e. uses) may be returned to the project as a source of equity, i.e. once received, they may be used to fund the sponsor's required equity position. (See Guideline #9.)

e. HCAs must include in their allocation agreements with sponsors provisions which: (1) Inform them that it will recommend cuts of any applicable HUD assistance, as necessary, and (2) allow for the adjustment or recapture of the initial

LIHTCs awarded if changes in assumptions regarding any items appearing on the Source and Uses Statement occur during the processing of applicable HUD or other government assistance. For example, for projects receiving LIHTCs combined with a HUD-insured mortgage, the HCA's final certification and approved Sources and Uses Statement is required prior to HUD's Final Closing, and must reflect all changes in sources and uses confirmed during HUD's cost certification.

f. HCAs must develop factors which estimate the net present value dollar amount of reserved but unsyndicated public and private Tax Credit offerings. A schedule of such factors for different types of projects and syndication offerings will assist HCAs in their initial estimates of necessary LIHTC allocations, so that less adjustment would be required from the original awards when the actual net amounts obtainable from the syndication are known. Until revised by future HUD Notice, the guidelines contained in this Notice will assist HCAs and HUD Field Offices in projecting Net Proceeds.

g. The guiding principles in establishing and adjusting LIHTC allocations are: (1) The HCA shall award no more than the net present value of the LIHTCs necessary to fill the gap between the sum of loans, grants, required equity, or other sources, and total project uses as permitted under these guidelines; and (2) the HCA shall seek to maximize the amount of project funding from the LIHTC once an allocation amount has been set. Therefore, should proceeds from LIHTC syndication be larger than initially estimated, HCAs will require prepayment of serviceable mortgage sources.

DATES: *Comment Due Date:* June 1, 1993.

EFFECTIVE DATE: The Office of Housing currently applies previously published guidelines (See Federal Register dated March 14, 1991 at 56 FR 11032) and other instructions to project submissions received as of this date. Section 911 of HCDA '92 provides that HCAs may perform certain subsidy layering review functions under Section 102 of HRA '89 as of January 1, 1993 so long as they certify they will follow guidelines HUD establishes. Accordingly, participating HCAs must certify they will apply, and affected HUD Offices of Housing will also apply, these guidelines to all applications and requests involving the combination of tax credits and any HUD assistance as of the date of this publication. Instructions replacing the Notice 90–17 review procedure will also be issued and distributed to HUD offices shortly. When LIHTCs are combined with mortgage insurance cases which were processed through the issuance of a commitment, the sponsor has the option of deciding whether its proposal is analyzed under the guidelines in effect at the time of the commitment, or under the revised subsidy layering review guidelines herein published for public comment, but proposal specifics may not be significantly altered, and construction must not have been begun. For cases which have not yet reached the commitment stage, the sponsor will have the right to amend their applications or requests in accordance with these guidelines, and HUD agrees not to impose any duplicative mortgage insurance processing fees. HUD will consider public comments on the guidelines, and will make a final revision of the guidelines effective by publication following the 60-day comment period. The Office of Public and Indian Housing (PIH) will be publishing a separate set of guidelines which will apply to Section 8 Moderate Rehabilitation projects developed under 24 CFR part 882, subparts D and E, and the Project Based Certificate projects developed under part 882, subpart G. However, until such time as PIH's guidelines are published, these guidelines will serve as basic administrative guidelines for determining necessary assistance when reviewing tax credit proposals related to the Section 8 Moderate Rehabilitation and Project Based Certificate programs. The Office of Special Needs Assistance Programs (SNAPS), of the Office of Community Planning and Development, will issue its own set of guidelines, tailored to its individual programs. Until that time, subsidy layering reviews for the Section 8 Moderate Rehabilitation SRO program will continue to be conducted at Headquarters. For these reviews, SNAPS will generally adopt the standards contained in the Office of Housing's revised guidelines published below. For more information, please contact James N. Forsberg, Director, SNAPS, (202) 708–2140.

ADDRESSES: Interested persons are invited to submit comments regarding this Notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. All comments will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: All correspondence may be generally addressed to Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, but must be further addressed as follows: For questions relating to assistance provided through Housing Development, write to the attention of Howard Mayfield, Director, Technical Support Division, Office of Insured Multifamily Housing, room 6152, or call (202) 708–0035. For questions relating to assistance provided through Housing Management, write to the attention of William Hill, Director, Operations Division, Office of Multifamily Housing Management, room 6170, or call (202) 708–0547. For questions relating to Preservation cases, write to the attention of Kevin East, Director, Preservation Division, room 6172, or call (202) 708–2300. Please note that these phone numbers are *not* toll free.

SUPPLEMENTARY INFORMATION: The Administrative Guidelines set out in this document are intended to permit HCAs and HUD the necessary flexibility to meet the unique facts of a particular case, and the combination of various forms of HUD assistance with HCA LIHTC allocations. The Department was in the process of revising the existing Subsidy Layering Guidelines when HCDA '92 was signed. It contains a provision, Section 911, which provides for the following:

a. The Secretary shall establish guidelines for HCAs to implement the requirements of Section 102(d) of HRA '89.

b. (1) The guidelines shall require that the amount of equity capital contributed by investors to a project partnership is not less than the amount generally contributed by investors in current market conditions as determined by the HCA.

(2) The guidelines shall further require the project costs, including developer fees, are within a reasonable range, taking into account project size, project characteristics, project location and project risk factors, as determined by the HCA.

c. HCAs shall carry out the responsibilities of section 102(d) with respect to Subsidy Layering and Certification so long as the HCA properly implements the guidelines HUD establishes.

Section 102 of HRA '89 made HUD responsible for performing the subsidy layering review and certifying that no more assistance than is necessary to

provide affordable housing was being provided. Section 911 of HCDA '92 made HCAs responsible for performing specific functions under section 102 subject to HUD's: (1) guidance through established guidelines, (2) oversight for HCA compliance, and (3) revocation authority for non-compliance. In President Bush's October 29, 1992 letter signing HCDA '92 into law he states, "To avoid the constitutional difficulties that would arise if Section 911 were understood to vest in housing credit agencies the exercise of significant authority under Federal law, I interpret Section 911 to permit the Secretary to formulate guidelines under which he will retain the ultimate authority to make the determinations required by Section 102(d)."

Consequently, the guidelines established below must be implemented as discussed in this notice or HUD Regional Administrators are charged to revoke an HCA's section 911 authority. Where the Subsidy Layering Review and Certification authority has been voluntarily surrendered by an HCA or revoked by the Regional Administrator, or an HCA does not follow this procedure in any individual case, HUD Field Offices will perform the Subsidy Layering review and certification functions.

Overview of Subsidy Layering Review

Guidelines #1 through #8 and #10 assess the reasonableness of costs and reserve deposits included in the applicant's development proposal. Guideline #9 assures that the sponsor's equity contributions are consistent with applicable program loan/value ratios. If applicants proposed Uses that are not specifically addressed in the guidelines, the HCA and HUD will assess the merits of those uses on a case-by-case basis.

HCAs shall conduct the initial review of a project's proposed "sources and uses," and based on total project cost, and as yet unconfirmed assumptions about HUD assistance, award LIHTC allocations. Such amounts are subject to adjustment, however, should the assumptions regarding HUD's assistance change (See Section 102 (c) and (d) of the HUD Reform Act of 1989). Project sponsors must then apply to HUD for the assistance involved, identifying the LIHTC allocation awarded. Based primarily on outstanding handbook instructions, HUD will evaluate the assistance request assuming the initial LIHTC allocation awarded. The results of HUD's processing of the sponsor's request shall be communicated to both the HCA and the sponsor, and the amounts of HUD's assistance, as well as HUD's estimate of project replacement cost/value, as applicable, will be included.

After the receipt of updated information regarding HUD assistance, HCAs must review the LIHTC allocation and adjust it as necessary. If any other changes occur during construction which significantly affect the approved Sources and Uses Statement, these too should be reviewed by the HCA, and adjustments made, if necessary. If the HCA determines that no adjustment to the allocation is necessary, HUD reserves the right to adjust assistance within its jurisdiction. For mortgage insurance cases, after construction has been completed, and prior to Final Closing, HUD will provide the HCA with the results of its review of the mortgagor's cost certification. The HCA must rely on audited statements of actual costs when completing its final Sources and Uses statement, and must also review all LIHTC syndication proceeds received or to be received in future infusions, deduct allowable syndication and bridge loan costs, and estimate the net amount obtained or obtainable under sources. On the basis of this information, the HCA will make recommendations for cuts of applicable HUD assistance, or any allocation adjustments necessary, and send its final guideline compliance certification and approved, balanced Sources and Uses Statement to HUD before Final Closing. The Secretary reserves the right under section 102 of the HRA '89, and the audit authority provided by section 911 of the HCDA '92, to make the final determination that there is no excessive subsidy.

Administrative Guidelines

HCAs will apply the specific guidelines below which apply to the particular combination of LIHTCs and "other government assistance" involved. Every guideline may not apply to every project, but HCAs must apply all guidelines which apply to a particular project. For example, the Guideline #4 and #5 references to BSPRA/SPRA are not applicable to the Flexible Subsidy program, since they are not allowed under that program. HCAs and program participants must review HUD program rules and administrative procedures to determine guideline applicability. A particular guideline will apply when the applicant's proposal may and does include the source, use, or other amount covered by that guideline. Note: The guidelines do not require applicants to establish reserves or escrows that are not already required by HUD program rules.

1. Property Value

At its initial tax credit allocation stage the HCA may rely on preliminary estimates of land value, for new construction proposals, or land and improvement value, for rehabilitation proposals, in determining what Replacement Cost use to include in an individual proposal's Source and Uses Statement. Ultimately, an HCA will only allow HUD's appraised "as-is" value for substantial rehabilitation (This means unsubsidized market value for apartment use), "after repairs" value for acquisition and rehabilitation (This means that any Section 223(f) proposals involving less than substantial rehabilitation will be limited by program value), or "warranted price of land" for new construction (This means with the infrastructure improvements and utilities completed up to the site's boundaries, with only standard hook-up charges pending or levied, but no unpaid special assessments for offsite improvements. Any necessary "unusual" site improvements must also be subtracted to estimate the allowable land value). These values will be estimated without considering any planned rehabilitation, any additional subsidies to be made available at the project, or any LIHTCs or other tax benefits the owner will receive. Any amount exceeding HUD's estimated value must be disallowed.

Note: HUD will not require appraisals for property purchased from HUD or at a foreclosure sale where HUD is the foreclosing mortgagee; the allowable amount under this guideline will be the purchase price when a project is sold competitively based on the high bid price at either a foreclosure sale or HUD-owned sale. When HUD sells a property at a pre-determined price, as in a negotiated sale, the allowable amount is that price, and is not subject to adjustment based on an appraisal of value. Also, for acquisition and rehabilitation of projects which will remain subject to existing HUD-insured loans, HUD may permit the greater of either the outstanding indebtedness on loans being assumed or the "as is" unsubsidized market value.

2. Development Costs

To determine whether proposed development costs are reasonable, HUD will use cost standards included in either the FHA mortgage insurance handbooks or in the applicable subsidy program's administrative procedures. HCAs may use any cost data which they have available, and either staff or independent contract cost analysts' estimates of project replacement cost in

establishing the proper LIHTC allocation. The cost of contracting with independent cost analysts may be included as a project cost (use) if funded by sources other than a HUD-insured mortgage. At its final certification, however, the HCA must recognize only the actual costs paid for approved project uses, as verified through the review of an audited statement of costs.

3. Builder's Overhead

Generally, the builder's overhead reimbursement should not exceed 2 percent of the sum of "total land improvements" and "structural improvements." In all cases, the HCA can allow only the overhead attributable to the subject construction project for the estimated period of construction.

4. Builder's Profit

Builder's Profit is the primary category of developer's Fee. The allowance may not exceed the typical market profit to the builder for developing a project of the subject's type and size in the area in question, and thus, may not exceed 10 percent of total development costs where there is an identity of interest between the builder and the owner. Where there is no identity of interest, then 10 percent of the "hard" costs of construction (total development costs less the "soft" costs— i.e. carrying and financing charges during construction— less the "as is" value of land and/or improvements) must be used as a ceiling. Builder's Profit may, however, be combined with Additional Developer's Fees under Guideline #5 for projects located in "qualified census tract" (See Attachment #1 definition), or for projects with other special risk characteristics as discussed thereunder; but the sum of these two guideline allowances may never exceed 17 percent of total development costs. Before the HCA allows the sum of Guidelines #4 and #5 to exceed 13 percent for any project awarded LIHTCs, it must develop a "Risk and Related Profit" schedule for evaluating what percentage will be recognized for specific kinds or combinations of proposal risks in accordance with Guideline #5. The amount reflected on the Sources and Uses statement for this guideline must appear under "Mortgageable Replacement Cost Uses," and may not exceed 10 percent of development costs of any project (BSPRA and SPRA only apply to certain HUD programs; for programs not allowing BSPRA, or involving only Builder's Profit, or Builder's Profit and SPRA, the HCA should include only so much as is permitted under the applicable HUD program, and such amounts may never exceed 10 percent of development costs).

5. Additional Developer's Fee

Additional fees which, when combined with the primary developer's fee, exceed 10 percent of total development costs, are only permitted for projects located in qualified census tracts, or which have some of the following other special risk characteristics: Size (generally, projects which are smaller should receive a higher percentage than otherwise comparable larger projects of over 100 units); scattered site development of a particular type of housing (e.g. three bedroom family units may be especially needed in a particular area of non-contiguous parcels, and such development involves greater compensable risk than contiguous site development); location—i.e. other distressed neighborhoods not included by HUD in qualified census tracts (HCA must document the nature of difficulty and risk connected to the applicable site area); challenging rehabilitation proposals with many unknown contingencies (because of the unforeseen, such projects have greater inherent risk to the developer than new construction or moderate rehabilitation). Other factors not mentioned may be developed and considered if the HCA can demonstrate to HUD the relationship between the characteristic and risk for which the developer is being compensated (e.g. if the HCA and applicant developer entered into an agreement to set aside units at amounts which are less than the rent restrictions otherwise required, and such an arrangement could be monitored for compliance throughout the rent restricted period, then perhaps, such additional risks as are associated with such development might be compensable). Risk and Related Profit Schedules must be submitted to the applicable HUD Field and Regional Offices for review and comment. Later the HCA has established its schedule, it can only deviate from it where the local Field Office approves. The combined sum of fees permitted under Guideline #4 and #5 can never exceed 17 percent of "total development costs" (as defined in Attachment #1). Any amounts in excess of what basic HUD program requirements would permit must be funded by sources other than HUD-insured mortgages, and must be reflected as such on the Sources and Uses statement. For HUD-insured projects which do not include BSPRA, the sum of the "Builder's Profit" allowance under Guideline #4 plus SPRA will be considered the primary developer's fee, and the only additional amounts that are allowed must be due to the site's location in a "qualified census tract" or other of the above characteristics.

6. Working Capital Deposit

For Profit Motivated Sponsors developing new construction or substantial rehabilitation proposals, the HCA will allow a working capital reserve of 2 percent of newly insured mortgages, but the reserve must be funded by non-mortgage sources. This amount will be held in escrow by the mortgagee to disburse in accordance with established HUD handbook rules (Non-Profit Sponsors qualify for AMPO—see Attachment #1—rather than working capital under this guideline), except that any amounts remaining after construction completion shall be applied to repay any mortgage loans.

7. Operating Deficit Escrow

In making its initial allocation award, the HCA should estimate whether, according to market absorption rates for the rental project proposed, any loss will occur during the construction/rent-up period estimated (an estimate of the construction time must be assumed in the cost estimate) resulting from the difference between revenues obtainable and expenses incurred during rent-up and early operation (See also Attachment #1 definition and comments). Only reasonable estimates of such losses can be included under project uses as an operating deficit escrow, and must be funded from Non-Mortgage Sources. Furthermore, the HCA may include such an amount in its Uses statement only if the sponsor agrees to enter into HUD's standard Escrow Agreement for the amount involved, and that agreement is amended to provide that any escrow remaining after the escrow period will be applied to prepay the insured mortgage loan (rather than being returned to the sponsor; See Form FHA-2476a, clause 4) if one exists, or retained as a project reserve for the term of the assisted period.

8. Resident Initiative Fund

a. The HCA will recognize a resident initiative fund in its approved Uses only if: (1) The fund will be used for resident management/ownership initiatives, security/drug free housing initiatives, job-training or other support services; and (2) all initiatives or services will be targeted to the residents of the project for which the fund is established.

b. The HCA will include no more than 10 percent of the Estimated or Actual

Present Value of Net Syndication Proceeds, and only if: (1) The fund is established by Non-Mortgage sources; and (2) the Sponsor agrees that any unused funds remaining after 10 years will be used to prepay the mortgage loan, or, in the event of default, will immediately be applied to prepay the mortgage loan.

9. Contributed Equity

The owner's required contributed equity includes all amounts necessary to balance sources against uses, and the minimum requirement is expressed as a percentage of the estimated total replacement cost, or value, depending on the program. For new construction and substantial rehabilitation HUD-Insured loans, the sponsor's contributed equity must be greater than or equal to HUD's applicable program required equity position percentage of estimated replacement cost (e.g., since 90 percent is the loan to value/replacement cost ratio for Profit Motivated Sponsors under Section 221(d)(4), the minimum equity position required is 10 percent of total estimated replacement cost). HCAs may, for new construction and substantial rehabilitation cases, estimate the required contributed equity to be 10 percent of the portion of the uses statement payable from mortgage sources. Where acquisition and repair of projects (under section 241) already subject to a HUD-insured loan (e.g. section 236 or 221 (d) (3)) is contemplated, HCAs should require only 10 percent on the development cost of the repair improvements proposed (subtract outstanding indebtedness or "as is" unsubsidized market value from the upper section of the Use portion of the statement, and multiply the remainder by .10). The HCA shall require that owners contribute to approved project uses the entire amount of Net Syndication Proceeds as defined in Attachment #1 and Guideline #10. Generally, however, LIHTC proceeds do not fall within the definition of "contributed equity". *Exceptions:* (1) Any Developer's Fees funded through LIHTC proceeds may be included as a part of the minimum required equity contribution amount if returned to the project; thus, LIHTC proceeds may be used indirectly to fund the equity position -as redirected through an approved "use" which the sponsor receives, but not directly; (2) In cases where the maximum insurable mortgage source is *less* than the amount produced by the applicable loan to value percentage of replacement cost or value, then the difference between the two may be directly paid by syndication proceeds, and shall be considered a portion of the sponsor's minimum equity requirement (For example, where the debt service limitation is less than, say, 90% of the replacement cost, the difference can be directly paid by proceeds and considered part of the minimum equity requirement. As another example, in property disposition cases where the maximum mortgage obtainable in the conventional market is 80%, then the difference may be directly paid by proceeds to fund the required equity position. The definition of "Equity" for other purposes in property disposition cases is *not* affected by this guideline). Limited distribution sponsors will not receive a return on such additional funds as provided under Exception #2. Also, HUD will determine the amount upon which a return on equity will be reflected in any HUD rental assistance contract. This amount will not recognize substantial net equity proceeds that are, nevertheless, required to be committed to approved project uses.

10. HUD Assistance and LIHTC Allocation Adjustment

HCAs must establish procedures that assure that "the amount of equity capital contributed by investors to a project partnership is not less than the amount generally contributed by investors in current market conditions" (See section 911 (b) (1) of HCDA '92). Therefore, HCAs must develop a schedule of Net Syndication Proceed Estimates which reflects how the following factors affect the amount of net proceeds obtainable through syndication of the LIHTCs awarded: public vs. private offerings, type of HUD assistance the LIHTC is combined with, individual vs. corporate investors, the installment/infusion period of syndication proceeds, and the length of the rent-restricted holding period. The HCA's schedule must be adjusted periodically as necessary based on actual syndications. At the initial LIHTC allocation and certification stage, HCAs should estimate the present value of the net syndication proceeds based on data from past syndications of the type of project and offering involved. It should be recognized that, although many syndications (for rent restricted projects) net approximately 48% of the allocation awarded, not all can be expected to obtain this amount because of investment perceptions and other factors. Where proceeds received or forecast to be received are less than such an estimate, the actual net, if known, or a more precise estimate should be assumed by the HCA. However, the HCA must also establish procedures which assure that only "arms-length", non-identity of interest syndication expenses and bridge loan costs are recognized, so that the sponsor does not receive excess profit from such "closed" syndications. In the absence of data, HCAs may assume a factor of .48 (48 cents on the dollar) is presently obtainable for the typical 10 year LIHTC allocation, and .70 for one year Historic allocations. If sponsors can convince HCAs that their particular syndication will exceed the schedule factor, then HCAs may use a factor of up to 3 percent more (.51 and .73, respectively, in the absence of data; or the HCA's schedule factor plus 3 percent where data exists and a schedule has been developed) if the sponsor agrees to fund the difference by either cash or an irrevocable Letter of Credit to be held by the mortgagee, with the mortgagee assuming full responsibility for the quality of any Letters of Credit, until it can be demonstrated that the actual syndication proceeds will equal or exceed the higher amount assumed. On an annual basis, HCAs must submit data to the applicable HUD Regional Office from any and all actual syndications which support the factors assumed when awarding allocations. Please note, Bridge Loan and Syndication Costs will not be reflected in the Sources and Uses statement because an estimate of net proceeds necessary should appear under sources, and uses are balanced against these sources. However, an estimate of the gross proceeds obtainable, the costs incurred in obtaining these (including the costs of the Letter of Credit mentioned above), the net proceeds remaining, and a schedule for the LITHC investor infusions/installments (for example, if securing a bridge loan) is required of the sponsor for all loan applications made to HUD, must be updated throughout processing as necessary, and must be reviewed by the HCA prior to making its final re-certification. For HUD-insured cases, where proceeds received or forecast to be received by the Sponsor are greater than HCA's schedule factored amount, the lower amount should be assumed by the HCA, except for cases where up to 3 percent over the schedule amount is funded as discussed above, and any excess received by the sponsor over the amount ultimately assumed by the HCA may be used to prepay the mortgage loan (See more below). After HUD has performed its assistance analysis and reported the results to the HCA, HCAs must re-weigh the contemplated sources against approved project uses, and determine whether to adjust the LIHTC allocation, as necessary, or recommend reduction of HUD assistance. The HCA's

determination must be timely communicated to HUD if it recommends to reduce HUD assistance. The HCA's determination, re-certification, and balanced Sources and Uses statement should be returned to HUD as soon as possible to expedite assistance processing. For mortgage insurance cases the HCA must adjust and finalize, as necessary throughout construction, the uses portion of the statement prior to HUD's final endorsement, but after receipt of HUD's cost certified amounts, and after reviewing audited statements of actual costs, to reflect any changes from earlier assumptions. Based on the HCA's earlier assistance determinations and any changes in source or use assumptions, the maximum loan which HUD will underwrite may be adjusted, and can be re-calculated, at any time throughout the review procedure. The sponsor's required equity contribution should also be refined based on actual replacement cost uses. Therefore, the HCA, in accordance with the required provisions in its allocation agreement that it will recommend cuts of applicable HUD assistance and/or make adjustments to the LIHTC allocation, as necessary, must recognize any HUD reductions, and may increase (if possible) or will reduce the allocation, as necessary, to produce a Net amount which balances the statement, i.e. fills the gap between allowable total project costs and the sum of all other sources. For mortgage insurance cases, if the syndication has been completed and produced an excess over the estimated net proceeds, the HCA will require the sponsor to apply the excess to prepay the mortgage loan. For every case, the HCA must advise HUD of its final determinations by recertification and an adjusted sources and uses statement, so that HUD may finally approve the assistance within its jurisdiction that is involved (e.g. hold a final closing on the loan for mortgage insurance cases; re-calculate approved Section 8 rent contract increases; etc.).

Dated: _____

James E. Schoenberger,

Associate General Deputy Assistant, Secretary for Housing-FHA Commissioner

Attachment #1—Definitions and Comments

AMPO. The "amount to make the project operational" permitted for HUD-insured non-profit projects. It typically approximates 2 percent of the mortgage, and may be included under the Replacement Costs Typically Financed by the Mortgage portion of the Sources and Uses statement (See Attachment #2 below).

Bridge loan costs. All financing charges incurred by a developer on loans obtained by the pledge of investors' deferred capital contributions to the project receiving LIHTCs and the loan proceeds. The HCAs will disallow unreasonable interest or other costs when identity of interest relationships exist between the developer and the lender to avoid the excess profits which result when loans are not negotiated through arm's length transactions.

BSPRA and SPRA. BSPRA (Builder's and Sponsor's Profit and Risk Allowance) and SPRA (Sponsor's Profit and Risk Allowance) are defined the same as for their applicable FHA mortgage insurance programs. BSPRA and SPRA, where applicable, are familiar allowances to participants in multifamily housing programs.

Builder's Profit & Additional Developer's Fee. Guidelines #4 and #5 seek to ensure that the sum of these two never exceeds a reasonable percentage of development cost for the type of construction proposed in HUD-designated qualified census tracts. Guideline #5 permits the developer to receive commercially reasonable compensation for arranging more risky transactions, while precluding excessive or windfall profits.

Contributed Equity. All amounts required of the owner to make sources balance uses. The contribution must be greater than or equal to the applicable program percentage of the Total Replacement Cost, or Value, as applicable. HUD expects the revised method of requiring that owners commit all Tax Credit proceeds to reasonably limited uses, while requiring a defined minimum percentage of equity based on existing program loan-to-value ratios, will ensure that sponsors are not unduly enriched through subsidy layering.

Development costs (Total). HUD believes that use of well-known FHA procedures for estimating development costs would limit such costs to commercially-reasonable amounts and facilitate cost certifications, but HCAs may use their own professionals or contract with outside professionals to establish reasonable cost estimates and actual amounts. Amounts allowed under Guidelines #1, #4, and #5 are not included in total development cost, but Guidelines #4 and #5 are percentages of it. "Uses" paid by sources other than the mortgage are not to be included in total development cost (See sample format, Attachment #2). The HCA may rely on staff or contract cost analysts to estimate total development cost during the initial allocation stage, but the HCA must recognize the actual costs of construction before making a final guideline compliance certification.

Estimated total replacement Cost. Usually an amount approximating development cost plus amounts permitted under Guidelines #1 and #4 payable from mortgage proceeds. HCAs may use staff or contract cost analysts, appraisers, and accountants to assist them in estimating total replacement cost prior to construction, but must recognize the actual costs of construction before making a final guideline compliance certification, and must base the required equity contribution reflected in the final balanced Sources and Uses statement accompanying the certification on the required percentage of this amount.

Gross Syndication Proceeds. All amounts paid by purchasers of the LIHTCs before subtraction of syndication and bridge loan costs. The Sponsor must report and certify the HCA and HUD the actual gross and net amounts received from the sale of LIHTCs.

Identity of Interest. A financial, familial, or business relationship that permits less than arm's length transactions. Includes, but is not limited to, existence of a reimbursement program or exchange of funds; common financial interests; common officers, directors, or stockholders; or family relationships between officers, directors, or stockholders.

Net syndication proceeds. All amounts received from the actual syndication of LIHTCs awarded to projects, after the payment of allowable costs. Such an amount should approximate Gross Syndication Proceeds less allowable Syndication Costs incurred to obtain such funds, less allowable Bridge Loan costs and interest associated with syndication. The HCA should use scheduled factors to estimate such proceeds before making allocations so less adjustment will be necessary at final certification.

Operating deficit reserve. An escrow established to fund net operating losses projected to occur between the date of initial occupancy and the date by which the project's operating income is expected to cover replacement reserve deposits, debt service, expenses, and ground rent, if any, related to operation of the rental project. Guidelines #7 changes traditional FHA rules on operating deficit reserves when tax credits are involved. The new standard will ensure that reserve funds are not distributed to developers/owners, but rather, are used to prepay the mortgage loan, or remain with project reserves until the assistance period has expired, and then prepay.

Property value. Guideline #1 permits Sponsors to acquire property for new construction or rehabilitation at its market value, and assures that present fee simple owners receive the value of their property, but no excess subsidy. By using "as-is" market value of improvements and/or land, or outstanding indebtedness, as applicable, instead of investment value, the guideline will eliminate any value attributable to the LIHTC or other tax benefits the purchaser will receive.

Qualified census tracts. Those census tracts and census enumeration districts designated by the Secretary in accordance with section 42(d)(5)(c)(ii)(I) of the Internal Revenue Code as amended.

Syndication Expenses. The legal and organizational expenses incurred by the owner in obtaining cash from the sale of LIHTCs to investors, whether through public or private offerings. The total also may include reasonable HCA fees or other incidental expenses, but generally should not exceed 15% of the gross syndication proceeds.

Total LIHTC Allocation Awarded. The sum of all amounts received from authorized State and local sources. HUD requires that the sponsor provide adequate documentation regarding the status and amount of LIHTCs when any form of HUD assistance is requested, and update this information as necessary throughout processing of the request. HUD also requires that sponsors receiving tax-exempt bond financing and an "automatic" Tax Credit amount for 10 years provide all necessary information and documentation regarding the Tax Credits received. HCAs must also make guideline compliance certifications for tax-exempt bond-financed projects.

Total project cost (Uses). The total cost of the housing project. This includes estimated total replacement cost, resident initiative fund, working capital reserve, operating deficit escrow, and all other allowable Guidelines' costs, except those permitted under Guideline #11 (bridge loan costs and syndication expenses). If allowable total project costs exceed total sources, additional equity is required of the sponsor to "balance" sources and uses. If total sources are greater than allowable total uses then, generally, too much assistance has been provided to the project, and one of the sources must be reduced. In such cases, HCAs may reduce assistance within its jurisdiction, or HUD may reduce assistance within its jurisdiction, as necessary, to "balance" sources and uses.

Attachment #2—SAMPLE FORMAT SOURCES AND USES STATEMENT

SOURCES:

LIHTC Source:

Estimated Net Syndication Proceeds[14]

Separate Equity Sources:

Minimum Required Equity Contribution[15]

Additional Equity Necessary[16]

Grant Sources:

Indicate any grants for project uses _____

SUBTOTAL LIHTC, GRANT, & EQUITY SOURCES $:_____

(Do not include Min. Equity in sum if funded by LIHTC proceeds)

Debt sources	Program	Mortgage
HUD loans/programs[17]	_____	$_____
Other loans	_____	$_____

Subtotal Mortgage Sources $ _____
Total Sources $ _____

Project Uses[18]

Mortgageable Replacement Cost Uses:

Total Land Improvements $ _____
Total Structures _____
General Requirements _____
Builder's General Overhead _____
Builder's Profit _____
Architects' Fees _____
Bond Premium _____
Other Fees _____
Construction interest _____
Taxes _____
Insurance _____
Mortgage Insurance Premium _____
Examination Fee _____
Inspection Fee _____
Financing Fee _____
FNMA/GNMA Fee _____
Title & Recording _____
Legal _____
Organization _____
Cost Certification Fee _____
Contingency Reserve (Sub Rehab) _____
Supplemental Management Fee, AMPO, or — Consultants Fee (Nonprofits Only) _____
HUD Value of Land/Improvements[19] _____

Subtotal "Replacement Cost" Uses $

Uses Permissible under Guidelines, but Payable by Sources Other than the Mortgage:

Resident Initiative Fund (Not to Exceed 10% of Net Syndication Proceeds) _____
Working Capital Reserve (Not to Exceed 2% of New Mortgages) _____
Operating Deficit Reserve _____
Additional Developers Fee (Sum of this fee and Builder's Profit not to exceed 17% of Total Development Costs) _____
Appraisal, Cost Analyst, Accntnt Fees _____
Other _____
Subtotal Uses Otherwise Permissible $ _____
Total Project Uses $ _____

Attachment #3—Section 911 Certification Regarding the Total Assistance Provided for Projects Utilizing HUD and other Government Assistance

Pursuant to section 911 of the Housing and Community Development Act of 1992 and Implementing Guideline requirements, I certify that the assistance provided by the (Name of HCA) to (Project Name), project number (Office Tracking Number), located in _____, when combined with other government assistance as defined in section 102(b) of the HUD Reform Act of 1989, and assistance within the jurisdiction of HUD, is not more than is necessary to provide affordable

[14] The amount obtainable by the owner through the syndication of the LIHTCs awarded (i.e., gross proceeds less syndication expenses and bridge loan interest and costs).

[15] The applicable percentage equity position multiplied by the replacement cost uses equals the Minimum Required Contributed Equity. LIHTC syndication proceeds may not generally fund this requirement directly, but see Guideline #9 exceptions.

[16] Additional Equity Necessary is the additional amount needed to be contributed by the mortgagor to balance the sources and uses when no additional monies are available from other sources.

[17] The HCA may assume estimated amounts for the initial allocation review; HUD will communicate processing results at the time it is preparing to issue a commitment, and will advise of any changes during the cost certification stage.

[18] This format may be used for project uses for most new construction, moderate, and substantial rehabilitation. A different format must be used for acquisitions and refinancings which involve less substantial repairs.

[19] See Guideline #1. If property is valued within a substantial rehabilitation proposal, it shall be valued based on the appraisal assumption of non-subsidized, market rate rental use "As Is". But for projects already HUD-insured where the mortgage is to stay in place, the greater of such a value or outstanding indebtedness may, at HUD's discretion, be used. For new construction proposals, HUD will estimate the "warranted price of land fully improved" which, for the HCA's purposes, is adequately described in Guideline #1.

multifamily rental housing. This certification is based upon our review of all allowable projected and actual project costs in accordance with the Implementing Guidelines and all applicable HUD program rules.

(Designated HCA Official)

Date

[FR Doc. 93–7480 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–27–M

Office of the Secretary

[Docket No. N–93–3038; FR–2736–N–09]

Regulatory Waiver Requests Granted by the Department of Housing and Urban Development

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers requests: September 1, 1992 through November 30, 1992.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), the Department (HUD) is required to make public all approval actions taken on waivers of regulations. This Notice is the seventh in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this Notice is to comply with the requirements of section 106 of the Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this Notice, contact Grady J. Norris, 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.) For information concerning a particular waiver action about which public notice is provided in this document, contact the person whose name and address is set out, for the particular item, in the accompanying list of waiver-grant actions.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989, the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by the Department. Section 106 of the Act (section 7(q)(3) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q)(3)), provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary rank or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that the Department has approved, by publishing a Notice in the Federal Register. These Notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived, and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request;

e. State how additional information about a particular waiver grant action may be obtained.

Section 106 also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purposes of today's document.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives Issued by HUD (56 FR 16337, April 22, 1991). This is the seventh Notice of its kind to be published under section 106. The first Notice, published on August 26, 1991, updated waiver-grant activity by the Department from the period immediately following passage of the Reform Act through the end of May 1991. Thereafter, notices updating waiver-grant activity for the ensuing three-month periods were published on October 28, 1991, January 13, 1992, April 8, 1992, July 20, 1992 and October 9, 1992.

Today's document updates HUD's waiver-grant activity through the end of November, 1992. In approximately one month, the Department will publish a similar Notice, providing information about waiver-grant activity for the period from December 1, 1992 through February 28, 1993.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 24.200 (involving the waiver of a provision in part 24) would come early in the sequence, while waivers in the section 8 and section 202 programs (24 CFR chapter VIII) would be among the last matters listed. Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 811.105(b) and § 811.107(a) would appear sequentially in the listing under § 811.105(b).) Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver-grant action.

Should the Department receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occur between December 1, 1992 and February 28, 1993.

Accordingly, information about approved waiver requests pertaining to regulations of the Department is provided in the Appendix that follows this Notice.

Dated: March 12, 1993.

Henry G. Cisneros,

Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development, September 1, 1992 Through November 30, 1992 (and Listing of Pre-September 1, 1992 Regulatory Waivers Not Previously Reported)

Note to Reader: The person to be contacted for additional information about the waiver-grant item numbered 1 in this listing is: Mr. Jan C. Opper, Field Coordination Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 541 Seventh Street, SW., room 7270, Washington, DC 20410–7000,, Phone: (202) 708–2565. TDD: (202) 708–2565.

1. *Regulation:* 24 CFR 92.254(a)(1) and (b)(1).

Project/Activity: Los Angeles, CA. Section 203(b) limits for purchase and rehabilitation under the HOME Investment Partnership Act program.

Nature of Requirement: 24 CFR 92.254(a)(1) provides for the setting of area limits on the initial purchase price for single family housing and 24 CFR 92.254(b)(1) provides for the setting of area limits of the value of property after rehabilitation, not involving purchase.

Granted By: Randall H. Erben, Acting Assistant Secretary for Community Planning and Development.

Date Granted: October 16, 1992.

Reasons Waived: Department recognizes that in some high-cost areas, there may be few properties whose purchase price and/or after rehabilitation value are below the section 203(b) caps. Los Angeles, which is one such area, indicated that to have a viable homeownership program, the City needs to have the limit increased to $175,000. A HUD review confirmed the validity of that request and, therefore, for good cause granted a waiver establishing the recommended limit.

Note to Reader: The person to be contacted for additional information about the waiver-grant items numbered 2 through 6 in this listing is: Mr. Robert E. Falkenstein, Acting Director, Single Family Property Disposition Division, Office of Insured Single Family Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room 9270, Washington, DC 20410–8000, Phone: (202) 708–0740. TDD: (202) 708–4594.

2. *Regulation:* 24 CFR 200.163(a)(1).

Project/Activity: Hurricane Iniki, 203(h) via the Direct Endorsement program.

Nature of Requirement: A waiver of the requirements of 24 CFR 200.163(a)(1) is required in order to provide assistance to victims of the hurricane Iniki Federal Disaster Area in the State of Hawaii in order to authorize the processing of cases for mortgage insurance under 203(h) by way of the Direct Endorsement program.

Granted By: Arthur J. Hill, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: September 18, 1992.

Reason Waived: It is in the public interest and consistent with the programmatic objectives of helping to end the tragedy of homelessness and expand homeownership and affordable housing opportunities to waive the requirements of 24 CFR 200.163(a)(1) in order to facilitate the use of the section 203(h) mortgage insurance program for disaster victims.

3. *Regulation:* 24 CFR 200.163(a)(1).

Project/Activity: Hurricane Andrew, 203(h) via the Direct Endorsement program.

Nature of Requirement: A waiver of the requirements of 24 CFR 200.163(a)(1) is required in order to provide assistance to victims of the hurricane Andrew Federal Disaster Area in order to authorize the processing of cases for mortgage insurance under 203(h) by way of the Direct Endorsement program.

Granted By: Arthur J. Hill, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: September 8, 1992.

Reason Waived: It is in the public interest and consistent with the programmatic objectives of helping to end the tragedy of homelessness and expand homeownership and affordable housing opportunities to waive the requirements of 24 CFR 200.163(a)(1) in order to facilitate the use of the section 203(h) mortgage insurance program for disaster victims.

4. *Regulation:* 24 CFR 200.163(a)(2).

Project/Activity: Hurricane Iniki, section 247 via Direct Endorsement program.

Nature of Requirement: A waiver of the requirements of 24 CFR 200.163(a)(2) is required in order to provide assistance to victims of the hurricane Iniki Federal Disaster Area in the State of Hawaii in order to authorize the processing of cases for mortgage insurance under 247 by way of the Direct Endorsement program.

Granted By: Arthur J. Hill, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 13, 1992.

Reason Waived: It is in the public interest and consistent with the programmatic objectives of helping to end the tragedy of homelessness and expand homeownership and affordable housing opportunities to waive the requirements of 24 CFR 200.163(a)(2) in order to facilitate the use of the section 247 mortgage insurance program for disaster victims.

5. *Regulation:* 24 CFR 201.20(b)(3).

Project/Activity: Title I Property Improvement Loans to Assist Tornado Victims in Waushara County, Wisconsin.

Nature of Requirement: Section 201.20(b)(3) requires that the proceeds of a title I loan be used to finance only those property improvements started after approval of the loan.

Granted By: Arthur J. Hill, Assistant Secretary of Housing—Federal Housing Commissioner.

Date Granted: October 8, 1992.

Reason Waived: On August 29, 1992, a number of homes in Waushara County, Wisconsin were damaged by a tornado. Because of the severity of the damage, it was necessary to begin property repairs as soon as possible. The Wisconsin Housing and Economic Development Authority, which makes title I loans under an interest subsidy program, requested that HUD waive § 201.20(b)(3) to permit them to make approximately 25 loans for improvements that were begun before loan approval. The waiver is applicable only in cases of documented tornado damage.

6. *Regulation:* 24 CFR 201.25(c).

Project/Activity: Title I Property Improvement and Manufactured Home Loans to Assist Victims of Hurricanes Andrew and Iniki.

Nature of Requirement: Section 201.25(c) lists certain fees and charges which may not be included in the title I loan or financed or advanced by any other party. These include an origination fee up to one percent of the loan amount, recording fees, recording taxes, filing fees, documentary stamp taxes, and appraisal fees not normally eligible for financing (see §§ 201.25(c)(1), (3), (4) and (8)).

Granted By: Arthur J. Hill, Assistant Secretary of Housing—Federal Housing Commissioner.

Date Granted: October 2, 1992.

Reason Waived: Strict application of the regulations would inhibit the ability of homeowners to carry out property repairs and the replacement of manufactured homes that were damaged or destroyed by Hurricanes Andrew and Iniki. Under the waiver, borrowers are permitted to finance the fees and charges listed in 24 CFR 201.25(c) (1), (3), (4) and (8), as long as they can demonstrate that they are victims of the hurricane and the property is located in the Presidentially declared disaster areas in Florida, Louisiana and Hawaii. The waiver is in effect until June 30, 1993, unless extended prior to that date.

Note to Reader: The person to be contacted for additional information about the waiver-grant item number 7 in this listing is: James B. Mitchell, Director, Financial Services Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, Phone: (202) 708–4325. TDD: (202) 708–4594.

7. *Regulation:* 24 CFR 207.259(e).

Project/Activity: McKinney Act State Agency Refunding of bonds which financed nine section 8 assisted project in the State of South Carolina.

Nature of Requirement: The Regulations set conditions under which HUD may authorize call of debentures prior to maturity. This refunding of section 103 bonds is accomplished via section 103 of the Internal Revenue Code and no section 11(b) waivers are needed.

Granted By: Arthur J. Hill, Assistant Secretary for Housing—FHA Commissioner.

Date Granted: May 21, 1992.

Reasons Waived: To credit enhance refundings bonds not fully secured by the FHA mortgage balance, HUD agrees not to exercise its option under § 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on April 9, 1992. It will not only reduce FHA project mortgage debt service but due to the 50–50 percent savings split derived from

the refunding, the South Carolina HFA will gain $2.4 million to provide housing for very low-income persons and families as required by the McKinney Act, a priority HUD objective established by Secretary Kemp.

Note to Reader: The person to be contacted for additional information about the waiver-grant items number 8 through 12 in this listing is: Mr. Robert E. Falkenstein, Acting Director, Single Family Property Disposition Division, Office of Insured Single Family Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room 9270, Washington, DC 20410–8000, Phone: (202) 708–0740. TDD: (202) 708–4594.

8. *Regulation:* 24 CFR 280.305.

Project/Activity: Shamrock Square, East Pittsburgh Economic Development Corporation, Nehemiah Housing Opportunity Grant Program.

Nature of Requirement: Regulations only permit a maximum of three display homes where the program involves less than 60 homes.

Granted By: Arthur J. Hill, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: September 15, 1992.

Reason Waived: The grantee requested approval to build more than three display homes. The waiver was granted in order to facilitate affordable housing opportunities for low- and moderate-income families provided under the Nehemiah program. The grantee could not build three display homes due to the townhome configuration. Granting the waiver would facilitate the affordable housing opportunities for low- and moderate-income families provided under the Nehemiah program by allowing the grantee to build the townhomes which were presented in their plans.

9. *Regulation:* 24 CFR 280.305.

Project/Activity: Century Townhomes, ACTION—Housing, Inc. Nehemiah Housing Opportunity Grant Program.

Nature of Requirement: Regulations prohibits a governmental entity or instrumentality for providing funds for a family's downpayment.

Granted By: Arthur J. Hill, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: September 1, 1992.

Reason Waived: The grantee requested approval to allow funding of downpayments by a governmental entity. The waiver was granted in order to permit the homebuyers to finance their downpayments with funds from a governmental entity. Without the waiver, the homebuyer would not be able to afford the downpayment. Granting the waiver would facilitate the affordable housing opportunities for low- and moderate income families provided under the Nehemiah program by reducing the amount of the downpayment any family would have to pay.

10. *Regulation:* 24 CFR 280.305.

Project/Activity: York Nehemiah Project, United Way of York County Housing Initiatives Corporation, Nehemiah Housing Opportunity Grant Program.

Nature of Requirement: Regulations prohibits a governmental entity or instrumentality from providing funds for a family's downpayment.

Granted By: Arthur J. Hill, Acting Assistant Secretary for Housing—Federal Commissioner.

Date Granted: October 6, 1992.

Reason Waived: The grantee requested approval to allow funding of downpayments by a governmental entity. The waiver was granted in order to permit the homebuyers to finance their downpayments with funds from a governmental entity. Without the waiver, the homebuyer would not be able to afford the downpayment. Granting the waiver would facilitate the affordable housing opportunities for low and moderate income families provided under the Nehemiah program by reducing the amount of the downpayment any family would have to pay.

11. *Notice of Grant of Waiver of 24 CFR 291.120*

Hurricane Andrew—Disaster Relief Effort Single Family Property Disposition

In view of President Bush's declaration of Southern Florida and Louisiana as major disaster areas, I am waiving, in accordance with 24 CFR 291.500, certain requirements of 24 CFR 291.120. The regulations in part 291 set forth the Department's policy with regard to Single Family Property Disposition Insured with Repair Escrow Sales.

Under this procedure, properties requiring no more than $5,000 in repairs to meet the intent of the Minimum Property Standards are offered for sale with insured financing available provided a cash escrow is established to insure the completion of the repairs. The actual escrow amount is determined by estimating 110 percent of the estimated repair cost. All repairs must be completed within 90 days of sales closing.

This waiver will permit the dollar amount of the repair escrow to be increased from $5,000 to $10,000, and the timeframe for completion of repairs to be lengthened from 90 days to 180 days. This waiver will permit more properties to be eligible for inclusion in the Escrow Repair Program which serves as the Department's primary repair program. The waiver is needed at this time in order to publicly advertise properties available for sale under these conditions. This will expedite assistance to disaster victims and reduce the workload of the Field Office in handling requests for individual waivers.

Since the objective of this waiver is to provide assistance to purchasers of HUD-owned properties located in areas afflicted by Hurricane Andrew, the waiver will apply to those properties located in those parts of Southern Florida and Louisiana which have been declared major disaster areas by the President. The authority to exceed the normal $5,000 repair escrow and to lengthen the allowable time to complete repairs will expire, for new applicants, six months after the date of this action.

The HUD Field Office will maintain, and provide to Headquarters on a monthly basis, a record of the names of persons to whom the benefit of this waiver has been provided, the date that the waiver was applied to each such person, and the property address and case number. This monthly report is to be submitted to the Office of Insured Single Family Housing, Single Family Property Disposition Division, Attention: Rose Donnelly, room 9172, by the thirtieth of each month. If waivers are not provided, a report to Headquarters is not required.

Dated: September 10, 1992.

Approved By:

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

12. *Regulation:* 24 CFR 291.120, Insured Sales with Repair Escrow.

Project/Activity: Hurricane Andrew—Disaster Relief Effort Single Family Property Disposition.

Nature of Requirement: The regulation, cited above, requires properties needing less than $5,000 in repairs to meet the intent of the Minimum Property Standards to be offered for sale with insured financing available provided a cash escrow is established to ensure the completion of repairs. The actual escrow amount will be determined by estimating 110 percent of the estimated repair cost. All repairs must be completed within 90 days of sales closing.

Granted By: Arthur J. Hill, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: September 10, 1992.

Reason Waived: This regulation is being waived in an effort to provide

relief to disaster victims in Southern Florida and Louisiana.

Waiver Provisions: The waiver provides for the change in the amount of the repair escrow and the change in the timeframe in which the repairs are to be completed. Specifically, the waiver allows the repair escrow maximum to be increased from $5,000 to $10,000 and lengthens the timeframe for completion of repairs from 90 days to 180 days.

The waiver applies only to those properties located in those parts of Southern Florida and Louisiana which have been declared major disaster areas by the President.

The waiver expires six months after the date granted.

Note to Reader: The person to be contacted for additional information about the waiver-grant items numbered 13 through 15 in this listing is: Mr. Jan C. Opper, Field Coordination Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 541 Seventh Street, SW., room 7270, Washington, DC. 20410–7000, Phone: (202) 708–2565. TDD: (202) 708–2565.

13. *Regulation:* 24 CFR 570.200(a)(5) and 24 CFR 570.200(h).

Project/Activity: Nashua, NH—group home for abused and/or neglected girls; Loveland, CO—construction of rental housing units by a special subrecipient. Waiver of reimbursement of preagreement costs under the Community Development Block Grant program.

Nature of Requirement: 24 CFR 570.200(h) permits reimbursement of certain eligible costs incurred prior to the date of the grant agreement. 24 CFR 570.200(a)(5) limits preagreement costs of those described in subparagraph 570.200(h).

Granted By: Randall H. Erben, Acting Secretary for Community Planning and Development.

Date Granted: September 24, 1992 (Nashua, NH); November 18, 1992 (Loveland, CO).

Reasons Waived: Without the waiver, the acquisition and rehabilitation of the property in Nashua, NH for adolescent females who have been removed from their homes where they have been abused and/or neglected would not occur. They would have to be placed in out-of-district or out-of-state facilities, inhibiting successful re-integration into social and family life. The Acting Assistant Secretary determined that not granting a waiver would cause undue hardship principally on low and moderate income persons who would otherwise benefit from the facility and adversely affect the purposes of the Housing and Community Development Act of 1974, as amended.

Loveland, CO has critical need for affordable housing, having a tight rental market and a long waiting list of rental subsidies. To not grant a waiver would delay construction of at least 30 rental housing units and pose a hardship on low and moderate income families who would ultimately benefit from the multi-family housing project.

14. *Regulation:* 24 CFR 570.507(a)(2)(i)(A).

Project/Activity: Montgomery County, MD. Submission of the performance and evaluation report (Grantee Performance Report (GPR)).

Nature of Requirement: 24 CFR 570.507(a)(2)(i)(A) requires that CDBG Entitlement grantees submit a performance and evaluation report no later than 90 days after the completion of the most recent program year. The County requested a 30-day extension of the submission deadline.

Granted By: Randall H. Erben, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 28, 1992.

Reasons Waived: The County experienced delays in receiving financial data from its Department of Finance due to downsizing in the County government brought about by budget reductions. It is expected that the delay would be a one-time occurrence. Not to grant a waiver would frustrate implementation of the purposes of the Housing and Community Development Act of 1974, as amended, by inhibiting review of the grantee's performance to ensure compliance with applicable requirements.

15. *Regulation:* 24 CFR 577.135(b).

Project/Activity: Virginia Peninsula Council on Domestic Violence (VPCDV) (Transitional Housing project number VA36T89–403). Use of section 8 certificates in a Transitional Housing project.

Nature of Requirement: Supportive Housing Demonstration (Transitional Housing) regulations at 24 CFR 577.135(b) state that, "HUD will not assist a project * * *, if the project involves a structure that is assisted, or residents of the structure will receive assistance, under the United States Housing Act of 1937 * * *", which includes the section 8 program.

Granted By: Paul Roitman Bardack, Acting Assistant Secretary for Community Planning and Development.

Date Granted: August 20, 1992.

Reasons Waived: Though the VPCDV application for Transitional Housing funds clearly referenced an intention to use project-based section 8 certificates, HUD reviewers did not note those references and the application was not rejected. The VPCDV has stated that it does not have the financial capacity to continue its operation without both the Transitional Housing funds and the section 8 payments. Failure to grant the waiver would result in either recovery of past Transitional Housing assistance, termination of future assistance, or both. Such action would reduce or eliminate supportive services to formerly homeless persons and cause undue hardship to project residents.

Note to Reader: The person to be contacted for additional information about the waiver-grant item number 16 through 35 in this listing is: James B. Mitchell, Director, Financial Services Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, Phone: (202) 708–4325. TDD: (202) 708–4594.

16. *Regulation:* 24 CFR 811.105(b), 811.107(a)(2), 811.108(a)(1), 811.108(a)(2), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: Monroe (Rochester, NY) HDC refunding of bonds which financed three section 8 assisted projects in Rochester: Genesee West, South Village, and CS&O Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing—FHA Commissioner.

Date Granted: September 2, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 28, 1992. Refunding bonds have been priced to an average yield of 7.0%. The tax-exempt refunding bond issue of $4,425,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.2–12% at the call date in 1992 with tax-exempt bonds yielding 7.0%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 10.6% to 7.85%, thus reducing FHA mortgage insurance risk. The refunding

serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

17. *Regulation*: 24 CFR 811.105(b), 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(2), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project Activity: Waterbury (Connecticut) HDC refunding of bonds which financed a section 8 assisted project in Connecticut: Fairmont Heights Apartments (FHA No. 017–35218–PM–L8).

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing–FHA Commissioner.

Date Granted: September 15, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 17, 1992. Refunding bonds have been priced to an average yield of 6.70%. The tax-exempt refunding bond issue of $9,545,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.80% at the call date in 1992 with tax-exempt bonds yielding 6.70%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 11.08% to 6.725%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

18. *Regulation:* 24 CFR 811.105(b), 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(2), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project Activity: The York (PA) RA refunding of bonds which financed a section 8 assisted project: York NSA Apartments (FHA Number 034–35215).

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing–FHA Commissioner.

Date Granted: September 30, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on September 1, 1992. Refunding bonds have been priced to an average yield of 6.70%. The tax-exempt refunding bond issue of $2,230,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.5 to 12% at the call date in 1992 with tax-exempt bonds yielding 6.70%. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 12.0% to a rate close to the bond rate, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

19. *Regulation:* 24 CFR 811.105(b), 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(2), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: South Carolina Regional HDC refunding of bonds which financed a section 8 assisted project: Redwood Village Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing—FHA Commissioner.

Date Granted: October 23, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 15, 1992. Refunding bonds have been priced to an average yield of 6.82%. The tax-exempt refunding bond issue of $1,790,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.5% at the call date in 1992 with tax-exempt bonds yielding 6.82%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 11.75% down to 6.7%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

20. *Regulation:* 24 CFR 811.105(b), 811.107(a)(2), 811.108(a)(1), 811.108(a)(2), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The New Haven (Connecticut) HA refunding of bonds which financed a section 8 assisted project: Fair Haven Elderly Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: November 13, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding

proposal was approved by HUD on November 4, 1992. Refunding bonds have been priced to an average yield of 7.25%. The tax-exempt refunding bond issue of $2,540,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term revenue benefits through replacement of outstanding tax-exempt coupons of 10.5% at the call date in 1993 with tax-exempt bonds yielding 7.25%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 10.8% to a rate close to the bond rate, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

21. *Regulation:* 24 CFR 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(2), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The Lewiston HA refunding of bonds which financed a Section 8 assisted project in Maine: Centreville Commons Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: November 2, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 14, 1992. Refunding bonds have been priced to an average yield of 6.72%. The tax-exempt refunding bond issue of $4,390,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.875% at the call date in 1992 with tax-exempt bonds yielding 6.72%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12.0% to 7.25%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

22. *Regulation:* 24 CFR 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The Second Columbus (Georgia) HDC refunding of bonds which financed a section 8 assisted project in Georgia: Bull Creek Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing—FHA Commissioner.

Date Granted: November 17, 1992.

Reason Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 14, 1992. Refunding bonds have been priced to an average yield of 7.02%. The tax-exempt refunding bond issue of $3,365,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt bonds yielding 13.33% at the call date in 1992 with tax-exempt bonds yielding 7.02%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12.83% to 7.5%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

23. *Regulation:* 24 CFR 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The Framingham (Mass.) HA refunding of bonds which financed a section 8 assisted project: Claflin House Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: November 17, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 23, 1992. Refunding bonds have been priced to an average yield of 6.91%. The tax-exempt refunding bond issue of $2,035,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 12% at the call date in 1992 with tax-exempt bonds yielding 6.91%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12.0% to 7.6%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

24. *Regulation:* 24 CFR 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The Framingham (Mass.) HA refunding of bonds which financed a section 8 assisted project: Claflin House Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: November 17, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 23, 1992. Refunding bonds have been priced to an average yield of 6.91%. The tax-exempt refunding bond issue of $2,035,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 12% at the call date in 1992 with tax-exempt bonds yielding 6.91%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12.0% to 7.6%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

25. *Regulation:* 24 CFR 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The Second Columbus (Georgia) HDC refunding of bonds which financed a section 8 assisted project in Georgia: Bull Creek Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing–FHA Commissioner.

Date Granted: November 17, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 14, 1992. Refunding bonds have been priced to an average yield of 7.02%. The tax-exempt refunding bond issue of $3,365,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt bonds yielding 13.33% at the call date in 1992 with tax-exempt bonds yielding 7.02%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12.83% to 7.5%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

26. *Regulation:* 24 CFR 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The Lake County (Illinois) HA refunding of bonds which financed three section 8 assisted projects in Illinois: Hebron Townhouses, Ravinia Housing, and Cedar Villas Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: November 20, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on October 23, 1992. Refunding bonds have been priced to an average yield of 6.71%. The tax-exempt refunding bond issue of $14,125,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt bonds yielding 11.42% at the call date in 1992 with tax-exempt bonds yielding 6.71%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contracts, from 11.78% to 6.54%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

27–28. *Regulation:* 24 CFR 811.107(a), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b), 811.117.

Project/Activity: The New Britain (Connecticut) HA refunding of bonds which financed a section 8 assisted project in Connecticut: Nathan Hale Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: November 24, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on November 10, 1992. Refunding bonds have been priced to an average yield of 6.83%. The tax-exempt refunding bond issue of $4,500,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.25% at the call date in 1992 with tax-exempt bonds yielding 6.83%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 11.54% to 7%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

29. *Regulation:* 24 CFR 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

Project/Activity: The Phoenix (Arizona) HFC refunding of bonds which financed three section 8 assisted projects: Morningside Villa, Myrtle Manor, and Sunland Terrace.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: November 25, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 15, 1992. Refunding bonds have been priced to an average yield of 6.6%. The tax-exempt refunding bond issue of $6,045,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt bonds yielding 11.5%—11.0% at the call date in 1992 with tax-exempt bonds yielding 6.6%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contracts, from 12%, 11.78%, and 11.51% to 6.95%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

30. *Regulation:* 24 CFR 811.114(d), 811.115(b), 811.117.

Project Activity: The Decatur (Georgia) HA refunding of bonds which financed a section 8 assisted project in Georgia: Park Trace Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted by: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: September 1, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on December 9, 1991. Refunding bonds have been priced to an average yield of 6.45%. The tax-exempt refunding bond issue of $5,910,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.7% at the call date in 1992 with tax-exempt bonds yielding 6.45%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12% to 6.75%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

31. *Regulation:* 24 CFR 811.114(d), 811.115(b), and 811.117.

Project/Activity: The Allentown HA refunding of bonds which financed a section 8 assisted project in Pennsylvania of 100 scattered site units, PA–26–A003–001.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: October 20, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transaction in which bonds will be issued pursuant to section 103 of the Internal Revenue Code. This refunding proposal was approved by HUD on September 3, 1992. Refunding bonds have been priced to an average yield of 5.48%. The tax-exempt refunding bond issue of $3,215,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.0 to 11.25% at the call date in 1992 with tax-exempt bonds yielding 5.48%. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

32. *Regulation:* 24 CFR 811.114(d), 811.115(b), 811.117.

Project/Activity: The City of Pekin (Illinois) HA refunding of bonds which financed a section 8 assisted project, the UAW Senior Citizens Home.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: October 21, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 28, 1992. Refunding bonds have been priced to an average yield of 6.81%. The tax-exempt refunding bond issue of $6,260,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.7% to 12.5% at the call date in 1992 with tax-exempt bonds yielding 6.81%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12.34% to 7.0%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

33. *Regulation:* 24 CFR 811.114(d), 811.115(b), 811.117.

Project/Activity: The San Francisco RA refunding of bonds which financed two section 8 assisted projects: Mercy Terrace Apartments and Mariposa Apartments.

Nature of Requirement: The Regulations set conditions under which

HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debenture prior to maturity.

Granted by: Arthur J. Hill, Assistant Secretary for Housing-FHA Commissioner.

Date Granted: October 26, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on September 24, 1992. Refunding bonds have been priced to an average yield of 6.48%. The tax-exempt refunding bond issue of $13,020,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11% at the call date in 1992 with tax-exempt bonds yielding 6.48%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 12% to 6.6%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

34. *Regulation:* 24 CFR 811.114(d), 811.115(b), and 811.117.

Project/Activity: The Newport News (VA) Agency refunding of bonds which financed a section 8 assisted project: Berkley-West Apartments (FHA Number 051–35366).

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing—FHA Commissioner.

Date Granted: October 28, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on September 1, 1992. Refunding bonds have been priced to an average yield of 6.54%. The tax-exempt refunding bond issue of $4,825,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.75% at the call date in 1992 with tax-exempt bonds yielding 6.54%. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 12.0% to a rate close to the bond rate, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

35. *Regulation:* 24 CFR 811.114(d), 811.115(b), 811.117.

Project/Activity: The Philadelphia RA refunding of bonds which financed a section 8 assisted project: Washington Square Apartments.

Nature of Requirement: The Regulations set conditions under which HUD may grant a section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

Granted By: Arthur J. Hill, Assistant Secretary for Housing—FHA Commissioner.

Date Granted: November 5, 1992.

Reasons Waived: The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on October 18, 1991. Refunding bonds have been priced to an average yield of 6.94%. The tax-exempt refunding bond issue of $5,725,000 at current low-interest rates will save section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10%–12¼% at the call date in 1992 with tax-exempt bonds yielding 6.94%. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 11.15% to 7.6%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective established by Secretary Kemp.

Note to Reader: The person to be contacted for additional information about the waiver-grant item numbered 36 in this listing is: Ms. Kathryn Greenspan, Housing Program Specialist, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4116, Washington, DC 20410, Phone: (202) 708–3887. TDD: (202) 708–4594.

36. *Regulation:* 24 CFR 882.712(c)(1)(iii).

Project/Activity: Project-Based Certificate Program.

Nature of Requirement: (1) Temporary relocation policies apply only to lawful residential tenants who are temporarily relocated from a property (building or complex) following submission of the Owner's application to the PHA for project-based certificate (PBC) assistance. (2) The temporary location period for such tenants will not exceed 12 months.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: July 21, 1992.

Reason Waived: Families were temporarily relocated prior to submission of the PBC application to the PHA because of extensive code violations which made continued occupancy hazardous. The waiver will make it possible for the former tenants to return to the rehabilitated units.

Note to Reader: The person to be contacted for additional information about the waiver-grant item numbered 37 in this listing is: Mr. Jan C. Opper, Field Coordination Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 541 Seventh Street, SW., room 7270, Washington, DC 20410–7000, Phone: (202) 708–2565. TDD: (202) 708–2565.

37. *Regulation:* 24 CFR 882.806(a).

Project/Activity: Spokane (WA) Housing Authority. Rehabilitation agreement under the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) program.

Nature of Requirement: 24 CFR 882.806(a) requires that before an owner begins any rehabilitation, the public housing authority enter into an agreement with the owner in the form prescribed by HUD.

Granted By: Randall H. Erben, Acting Assistant Secretary for Community Planning and Development.

Date Granted: October 20, 1992.

Reasons Waived: A waiver was granted for good cause, to permit

rehabilitation of a deteriorating roof because the structure was exposed to moisture damage and a delay would take the project into Spokane's "inclement weather season" in which further damage could be done to the roof. Immediate action would save rehabilitation costs. All other rehabilitation on the project would be preceded by the required agreement.

Note to Reader: The person to be contacted for additional information about waiver-grant item number 38 in this listing is: Ms. Linda Cheatham, Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Phone: (202) 708–3000. TDD: (202) 708–4594.

38. *Regulation:* 24 CFR 888.103a.
Project/Activity:

Project name	Project No.	Field office
Elmwood Park Senior Complex.	071–EH451	Chicago.

Nature of Requirement: On April 24, 1991, HUD published "Final Fair Market Rents" pursuant to its duties to establish FMRs under the above cited regulation. In the preamble to the actual schedule of applicable FMRs, it is stated that for certain projects, subject to FY 1987 FMRs and earlier, the 1988 FMRs are the highest and most recent which they may use, and " * * * shall be applicable to all subsequent processing in reviewing contract rents and utilities." Therefore, if HUD wishes not to impose a restriction that appears in the published preamble, it must waive the regulation.

Granted By: Arthur J. Hill, Assistant Secretary for Housing-Housing Commissioner.

Date Granted: August 26, 1992.

Reason Waived: The subject was selected for funding in 1986, and initially closed on May 22, 1989. Excavation of the site began in June 1989, and unforeseen soil contamination was discovered. The Illinois Environmental Protection Agency halted construction. A mortgage increase request to fund the estimated $483,472 cost of clean-up was submitted to Headquarters. If HUD strictly imposed the above referenced preamble requirement, which appears in the section on "applicability" to the FY 1989 schedule of new construction FMRs, and processed the subject FMRs applying the 1.20 prerogative to 1988 FMRs, an additional cash requirement of $78,663 was necessary. The subject's non-profit sponsor could not meet this necessary cash requirement, so it was likely that HUD would ultimately end up owning a contaminated site which it must then clean up anyway pursuant to its CERCLA liability. But if HUD waived the regulation, in recognition of the fact that the preamble requirement was not published until April 24, 1991, and previous established procedure would have permitted the use of 1989 FMRs, with a lesser prerogative of only 1.12 of 1989 FMRs, an additional cash requirement of only $63 would be necessary, since the sponsor's minimum capital investment of $10,000 has already been met. HUD and the sponsor share a common goal to provide this much needed housing and not waste the time, effort, and money already expended on this project.

Note to Reader: The person to be contacted for additional information about the waiver-grant items numbered 39 through 41 in this listing is: Ms. Kathryn Greenspan, Housing Program Specialist, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4116, Washington, DC 20410, Phone: (202) 708–3887. TDD: (202) 708–4594.

39. *Regulation:* 24 CFR 901.120(b)(2).
Project/Activity: Cuyahoga Metropolitan Housing Authority, Time Extension to Complete the Public Housing Management Assessment Program (PHMAP) assessment.

Nature of Requirement: The Regulation cites specific time frames for Field Office completion of the Public Housing Management Assessment Program (PHMAP) assessment.

Granted By: Joseph G. Schiff, Assistant Secretary.

Date Granted: April 21, 1992.

Reason Waived: The Cleveland Field Office was granted a waiver for the completion of the PHMAP assessment for the Cuyahoga Metropolitan Housing Authority (CMHA) due to the necessity to merge performance data from the Lakeview Terrace Resident Management Firm with that of CMHA; and the completion by the Field Office of a confirmatory review after the merge has been completed. The Chicago Field Office was granted a waiver for the completion of the PHMAP assessment for all of the public housing agencies in its jurisdiction due to the flooding by the Chicago River and various computer problems.

40. *Regulation:* 24 CFR 901.120(b)(2).
Project/Activity: Salt Lake Housing Authority, Time Extension to Complete the Public Housing Management Assessment Program (PHMAP) assessment.

Nature of Requirement: The Regulation cites specific time frames for Field Office completion of the Public Housing Management Assessment Program (PHMAP) assessment.

Granted By: Joseph G. Schiff, Assistant Secretary.

Dated Granted: April 22, 1992.

Reason Waived: The Denver Regional Office was granted a waiver for the completion of the PHMAP assessment for the Salt Lake Housing Authority (SLHA) due to the fact that the SLHA used incorrect data for its PHMAP Certification and it required additional time to resubmit its first phase PHMAP certification, thereby necessitating additional time for the Denver Regional Office to complete the PHMAP assessment.

41. *Regulation:* 24 CFR 901.120(b)(2).
Project/Activity: Marianna Housing Authority, Time Extension to Complete the Public Housing Management Assessment Program (PHMAP) assessment.

Nature of Requirement: The Regulation cites specific time frames for Field Office completion of the Public Housing Management Assessment Program (PHMAP) assessment.

Granted By: Joseph G. Schiff, Assistant Secretary.

Date Granted: July 13, 1992.

Reason Waived: The Little Rock Field Office was granted a waiver for the completion of the PHMAP assessment for the Marianna Housing Authority (MHA) due to the fact that the MHA used incorrect data for its PHMAP Certification and it required additional time to resubmit its first phase PHMAP certification, thereby necessitating additional time for the Little Rock Field Office to complete the PHMAP assessment.

Note to Reader: The person to be contacted for additional information about the waiver-grant items numbered 42 and 43 in this listing is: Mr. Roger Braner, Acting Director, Office of Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4116, Washington, DC 20410, Phone: (202) 708–1380. TDD: (202) 708–4594.

42. *Regulation:* 24 CFR 913.107.
Project/Activity: Public housing projects owned and operated by the Edgar Housing Authority of Edgar, Nebraska.

Nature of Requirement: 24 CFR 913.107 requires that the Total Tenant Payment required to be paid by public housing tenants be the greater of 30 percent of Monthly Adjusted Income, 10 percent of Monthly Income, or, where welfare benefits are determined on the basis of the family's actual housing costs, an amount equal to the portion of the grant designated for shelter and utilities.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: August 27, 1992.

Reason Waived: To allow the Edgar Housing Authority to establish ceiling rents for all one-bedroom units on the basis of the 1987 amendments to the United States Housing Act of 1937 which permits public housing agencies (PHAs), with the approval of the Secretary, to establish ceiling rents.

43. *Regulation:* 24 CFR 905.325.

Project/Activity: Establishment of ceiling rents for Lac Courte Oreilles Housing Authority Rental Program.

Nature of the Requirement: Waiver of the Regulation cited above is required to allow establishment of ceiling rents for their Rental Program.

Granted By: Joseph Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: May 20, 1992.

Reason Waived: This waiver was requested and granted to allow the Lac Courte Orielles Housing Authority to establish ceiling rents for their rental program in accordance with PIH Notice 89–21, which provides for the establishment of ceiling rents in a rental Indian housing program.

Note to Reader: The person to be contacted for additional information about waiver-grant items numbers 44 through 53 in this listing is: Mr. Dom Nessi, Director, Office of Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Phone: (202) 708–1015. TDD: (202) 708–0850.

44. *Regulation:* 24 CFR 905.325.

Project/Activity: Establishment of ceiling rents for Ute Mountain Ute Housing Authority.

Nature of the Requirement: Waiver of the Regulation cited above is required to allow establishment of ceiling rents for their Rental Program.

Granted By: Joseph Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted:

Reason Waived: This waiver was requested and granted to allow the Ute Mountain Ute Housing Authority to establish ceiling rents for their rental program in accordance with PIH Notice 89–21, which provides for the establishment of ceiling rents in a rental Indian housing program.

45. *Regulation:* 24 CFR 905.404(a), 905.407(b)(1)(3), 905.407(c), 905.410, 905.413 (a), (b) and (d), 905.416 (c) and (d), 905.419 (b) and (c), 905.422, 905.440(b) (1) and (2).

Project/Activity: Conversion of 355 Turnkey III (TKY III) units to the Mutual Help (MH) Homeownership Opportunity Program by the Tlingit-Haida Regional Housing Authority in Juneau, Alaska.

Nature of Requirement: The Regulations cited above apply to the construction, development, funding and occupancy of new construction developments. Therefore, waivers are required to convert an existing unit funded and built under one program to operation under a different program.

Granted By: Joseph Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: May 22, 1992.

Reason Waived: This action was requested, and granted, in order to fulfill the Department's obligation in the case entitled *Samato* v. *Wilson, et al.*, in which, based on meeting their obligations under the Settlement Agreement, eligible members of the class were to be transferred from the TKY III Program to the MH Program.

Also, many of these homebuyers have been in their TKY III units since they were built and transferring to the MH Program will enable participants to realize homeownership in a shorter period of time.

46. *Regulation:* 24 CFR 905.440(c).

Project/Activity: Establishment of Purchase Price for a Subsequent Homebuyer in the Mutual Help Homeownership Opportunity (MH) Program at the Northern Circle Indian Housing Authority in Ukiah, California.

Nature of Requirement: The Regulation cited above applies to how to establish a purchase price for a subsequent homebuyer. Therefore, a waiver is required to use only the current replacement cost, instead of the lower of the current replacement cost or the appraised value of the home.

Granted By: Joseph Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: May 21, 1992.

Reason Waived: This action was requested, and granted, because Northern Circle Indian Housing Authority has been unable to obtain a current appraisal due to a lack of cooperation by the Bureau of Indian Affairs to complete timely appraisals, a lack of understanding of trust land by private firms, and the unavailability of comparable properties.

47. *Regulation:* 24 CFR 905.705.

Project/Activity: Providing Performance Funding System subsidy for one unit from the Modoc-Lassen Indian Housing Authority's inventory which is used as a space for community members to make Native American crafts, which will be sold locally and in surrounding communities.

Nature of Requirement: The regulation cited above discusses how to determine the amount of operating subsidy for which an IHA is eligible under the Performance Funding System.

Granted By: Joseph Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: March 25, 1992.

Reason Waived: This waiver was requested, and granted, to provide Performance Funding System operating subsidy for one unit removed from the Modoc-Lassen Indian Housing Authority's rental inventory. The rental units are being used as a crafts center which promotes economic self sufficiency services to the community.

48. *Regulation:* 24 CFR 913.107.

Project/Activity: Public housing projects owned and operated by the Housing Authority of Excelsior Springs, of Excelsior Springs, Missouri.

Nature of Requirement: 24 CFR 913.107 requires that the Total Tenant Payment required to be paid by public housing tenants be the greater of 30 percent of Monthly Adjusted Income, 10 percent of Monthly Income or, where welfare benefits are determined on the basis of the family's actual housing costs, an amount equal to the portion of the grant designated for shelter and utilities.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: August 27, 1992.

Reason Waived: To allow the Housing Authority of Excelsior Springs to establish ceiling rents on the basis of the 1987 amendments to the United States Housing Act of 1937 which permits public housing agencies (PHAs), with the approval of the Secretary, to establish ceiling rents.

49. *Regulation:* 24 CFR 913.107.

Project/Activity: Public housing projects owned and operated by the Ely Housing Authority of LaSalle County, in LaSalle County, Illinois.

Nature of Requirement: 24 CFR 913.107 requires that the Total Tenant Payment required to be paid by public housing tenants be the greater of 30 percent of Monthly Adjusted Income, 10 percent of Monthly Income or, where welfare benefits are determined on the basis of the family's actual housing costs, an amount equal to the portion of the grant designated for shelter and utilities.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: August 27, 1992.

Reason Waived: To allow the Ely Housing and Redevelopment Authority to establish ceiling rents on the basis of the 1987 amendments to the United States Housing Act of 1937 which

permits public housing agencies (PHAs), with the approval of the Secretary, to establish ceiling rents.

50. *Regulation:* 24 CFR 913.107.

Project/Activity: Public housing projects owned and operated by the Lucas Metropolitan Housing Authority of Lucas, Ohio.

Nature of Requirement: 24 CFR 913.107 requires that the Total Tenant Payment required to be paid by public housing tenants be the greater of 30 percent of Monthly Adjusted Income, 10 percent of Monthly Income or, where welfare benefits are determined on the basis of the family's actual housing costs, an amount equal to the portion of the grant designated for shelter and utilities.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Dated Granted: August 27, 1992.

Reason Waived: To allow the Lucas Metropolitan Housing Authority to establish ceiling rents on the basis of the 1987 amendments to the United States Housing Act of 1937 which permits public housing agencies (PHAs), with the approval of the Secretary, to establish ceiling rents.

51. *Regulation:* 24 CFR 913.107.

Project/Activity: Public housing projects owned and operated by the Lynch Housing Authority.

Nature of Requirement: 24 CFR 913.107 requires that the Total Tenant Payment required to be paid by public housing tenants be the greater of 30 percent of Monthly Adjusted Income, 10 percent of Monthly Income or, where welfare benefits are determined on the basis of the family's actual housing costs, and amount equal to the portion of the grant designated for shelter and utilities.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: August 27, 1992.

Reason Waived: To allow the Lynch Housing Authority to establish ceiling rents for one-bedroom units on the basis of the 1987 amendments to the United States Housing Act of 1937 which permits public housing agencies (PHAs), with the approval of the Secretary, to establish ceiling rents.

52. *Regulation:* 24 CFR 913.107.

Project/Activity: Public housing projects owned and operated by the Housing Authority of the City of Marion, Indiana.

Nature of Requirement: 24 CFR 913.107 requires that the Total Tenant Payment required to be paid by public housing tenants be the greater of 30 percent of Monthly Adjusted Income, 10 percent of Monthly Income or, where welfare benefits are determined on the basis of the family's actual housing costs, an amount equal to the portion of the grant designated for shelter and utilities.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: August 27, 1992.

Reason Waived: To allow the Housing Authority of the City of Marion to establish ceiling rents on the basis of the 1987 amendments to the United States Housing Act of 1937 which permits public housing agencies (PHAs), with the approval of the Secretary, to establish ceiling rents.

53. *Regulation:* 24 CFR 913.107.

Project/Activity: Public housing projects owned and operated by the Stromsburg Housing Authority of Stromsburg, Nebraska.

Nature of Requirement: 24 CFR 913.107 requires that the Total Tenant Payment required to be paid by public housing tenants be the greater of 30 percent of Monthly Adjusted Income, 10 percent of Monthly Income or, where welfare benefits are determined on the basis of the family's actual housing costs, an amount equal to the portion of the grant designated for shelter and utilities.

Granted By: Joseph G. Schiff, Assistant Secretary for Public and Indian Housing.

Date Granted: August 27, 1992.

Reason waived: To allow the Stromsburg Housing Authority to establish ceiling rents for one-bedroom units on the basis of the 1987 amendments to the United States Housing Act of 1937 which permits public housing agencies (PHAs), with the approval of the Secretary, to establish ceiling rents.

Note to Reader: The person to be contacted for additional information about the waiver-grant items numbered 54 through 58 in this listing is: Mr. Edward C. Whipple, Occupancy Division, Office of Management Operations, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Phone: (202) 708–0744. TDD: (202) 708–0850.

54. *Regulation:* 24 CFR 990.109(b)(3)(iv).

Project/Activity: In determining its operating subsidy eligibility for its fiscal year ending 6/30/92, the Detroit Housing Department, Detroit, MI, requested approval to use 62% as its projected occupancy percentage.

Nature of Requirement: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan (COP) to use a projected occupancy percentage of 97%.

Granted By: Joseph G. Schiff, Assistant Secretary.

Date Granted: April 10, 1992.

Reason Waived: The initial request for a waiver came shortly after HUD had published a proposed rule in the **Federal Register** that would have established new conditions under which a PHA could include vacant units in the determination of operating subsidy eligibility. Congressional action on the Department's 1992 Appropriations Bill, however, included language in the Conference report that barred appropriated funds from being used to implement the proposed rule.

The proposed rule would have corrected inefficiencies and removed inequities contained in the current Vacancy Rule. The Congressional abrogation of the rule-making process meant a continuation of these problems. It was thus felt necessary to develop a general policy describing the circumstances under which Vacancy Rule waivers would be considered and approved so that these problems could be minimized without being in conflict with the Congressional action. Waiver requests received during and after this period were reviewed but not generally acted upon.

In response to this situation, HUD approved an obligation of $28.9 million of operating subsidy funds by issuing a letter-of-intent (LOI) in September 1991. In determining this amount, 62% was used as the assumed occupancy percentage. It was hoped, however, that a policy on Vacancy Rule waiver requests would be in place before payments of the LOI began so that appropriate conditions could be placed on the released funds, if warranted.

In November 1991, the Detroit Field Office was authorized to pay $14.4 million to the DHD and payment of an additional $4 million was authorized in March 1992. No conditions were placed on these payments. HUD is now asking Congress to reverse its earlier action on the proposed vacancy rule and allow HUD to proceed with publication of a final rule. Since only three months remained in the DHD's fiscal year and because there was an approvable budget in the Field Office, Good cause was found to exist to permit the DHD to use 62% as its projected occupancy percentage.

55. *Regulation:* 24 CFR 990.109(e)(2).

Project/Activity: In determining its operating subsidy eligibility for its fiscal year ending 12/31/92, the Denver Housing Authority, Denver, CO, requested approval to exclude certain surcharge income from the calculation.

Nature of Requirement: The regulation requires a PHA to include

locally-generated income in its calculation of operating subsidy eligibility.

Granted By: Joseph G. Schiff, Assistant Secretary.

Date Granted: April 24, 1992.

Reason Waived: The waiver allows the exclusion from the subsidy calculation of surcharge income from a cable TV service being offered to residents at the Denver Housing Authority. The provision of this cable service is seen as a desirable resident initiative project. The Central Resident Council (CRC) is expected to become responsible for the cable service contract within a year. Residents choosing cable service will pay a mandatory $2 surcharge as part of their monthly bill and this income, less reasonable administrative expenses, would be used by the CRC for resident initiatives such as the scholarship fund. This project will be operated with the full consultation and involvement of the CRC. This waiver is for a period not to exceed 12 months from the time the cable service is implemented. During this period the housing authority shall train and prepare CRC to assume complete responsibility for the cable service contract.

56. *Regulation:* 24 CFR 990.118(h)(1).

Project/Activity: In determining its operating subsidy eligibility for its fiscal year ending 6/30/92, the Bromley-Health Resident Management Corporation, Boston Housing Authority, Boston, MA, requested approval to use other than the HUD-approved COP goal as its projected occupancy percentage.

Nature of Requirement: The regulation cites limited conditions under which Comprehensive Occupancy Plan goals can be adjusted.

Granted By: Joseph G. Schiff, Assistant Secretary.

Date Granted: June 30, 1992..

Reason Waived: The Resident Management Corporation (RMC) was not in place when the COP was developed and it does not have control over such resources as CIAP funding. The RMC was granted a waiver in order to permit the use of 89% as the projected occupancy goal for its 1992 fiscal year in recognition of these factors and as an encouragement to its financial stability.

57. *Regulation:* 24 CFR 990.118(h)(1).

Project/Activity: In determining its operating subsidy eligibility for its fiscal year ending 9/30/92, the Carr Square RMC, St. Louis Housing Authority, St. Louis, MO, requested approval to use other than the HUD-approved COP goal as its projected occupancy percentage.

Nature of Requirement: The regulation cites limited conditions under which Comprehensive Occupancy Plan goals can be adjusted.

Granted By: Joseph G. Schiff, Assistant Secretary.

Date Granted: June 30, 1992.

Reason Waived: The Resident Management Corporation (RMC) was not in place when the COP was developed and it does not have control over such resources as CIAP funding. The RMC was granted a waiver in order to permit the use of 72% as the projected occupancy goal for its 1992 fiscal year in recognition of these factors and as an encouragement to its financial stability. The RMC was encouraged to use the relief provided to develop a homeownership occupancy plan, marketing program and waiting list.

58. *Regulation:* 24 CFR 990.118(h)(1).

Project/Activity: In determining its operating subsidy eligibility for its fiscal year ending 9/30/92, the Cochran Gardens—Cochran Plaza RMC, St. Louis Housing Authority, St. Louis, MO, requested approval to use other than the HUD-approved COP goal as its projected occupancy percentage.

Nature of Requirement: The regulation cites limited conditions under which Comprehensive Occupancy Plan goals can be adjusted.

Granted By: Joseph G. Schiff, Assistant Secretary.

Date Granted: June 30, 1992.

Reason Waived: The Resident Management Corporation (RMC) was not in place when the COP was developed and it does not have control over such resources as CIAP funding. The RMC was granted a waiver in order to permit the use of 88% as the projected occupancy goal for its 1992 fiscal year in recognition of these factors and as an encouragement to its financial stability.

24 CFR 990.118(h)(1)

More information concerning these waivers may be obtained by contacting: John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Assisted Housing, 451 Seventh Street, SW., Washington, DC 20410, (202) 708–1872.

[FR Doc. 93–7380 Filed 3–31–93; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

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 for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1076–), Washington, DC 20503, telephone (202) 345–7340.

Title: Indian Highway Safety Project Application.

OMB Approval Number: 1076–

Abstract: Respondents supply highway traffic information and data supporting request for funding under the Highway Safety Act necessary to determine eligibility for 402 funding. This information allows the Bureau of access tribal needs for highway safety on reservations.

Bureau Form Number: BIA 2535.

Frequency: Annually.

Description of Respondents: Federally-Recognized Tribes, Tribal groups and organizations.

Estimated Completion Time: 39 Hours.

Annual Responses: 250.

Annual Burden hours: 9,750.

Bureau Clearance Officer: Gail Sheridan (202) 208–2685.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–7467 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[AK–960–03–4230–05]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for review of the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of

information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0026), Washington, DC 20503, telephone 202–395–7340.

Title: Alaska Townlot Deed Application, 43 CFR part 2565

OMB approval number: 1004–0026

Abstract: Non-Native individuals, groups and businesses, incorporated State of Alaska municipalities and traditional governments use the Alaska Townlot Deed Application to obtain title to lands within Alaska townsites (43 U.S.C. 732) from the Alaska Townsite Trustee. Applications are filed on each of the 21 townsites in rural communities. The municipal and traditional governments in Alaska villages are the principal applicants for townlot deeds using this application.

Bureau Form Number: AK 2564–19

Frequency: On Occasion

Description of respondents: Non–Native individuals, groups and businesses, incorporated Alaskan municipalities and traditional Alaskan governments.

Estimated completion time: 30 minutes

Annual responses: 50

Annual burden hours: 25

Bureau Clearance Officer (Alternate): Gerri Jenkins 202–653–6105

Dated: November 10, 1992.

Michael J. Penfold,

Assistant Director, Land and Renewable Resources.

[FR Doc. 93–7551 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–JA–M

[AA–260–4210–01]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0029), Washington, DC 20503, telephone 202–395–7340.

Title: Color-of-Title Application, 43 CFR part 2540

OMB approval number: 1004–0029

Abstract: Respondents supply identifying information to be used by the agency to process applications to determine validity of a color-of-title claim to public lands

Bureau form number: 2540–1

Frequency: Once

Description of respondents: Individuals applying for a color-of-title claim to public lands

Estimated completion time: 15 minutes

Annual responses: 37

Annual burden hours: 9

Bureau clearance officer (Alternate): Marsha Harley 202–653–6105

Dated: January 27, 1993.

Michael J. Penfold,

Assistant Director for Land and Renewable Resources.

[FR Doc. 93–7552 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–84–M

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 for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0162), Washington, DC 20503, telephone (202) 395–7340.

Title: Oil and Gas Geophysical Exploration Operations 43 CFR 3151.

OMB Approval Number: 1004–0162.

Abstract: Respondents supply information which will be used to determine procedures for conducting oil and gas geophysical exploration operations on public lands. The information supplied allows the Bureau of Land Management to determine that geophysical exploration operation activities are conducted in a manner consistent with the regulations, local use plans and environmental assessments in compliance with the provisions of the National Environmental Policy Act of 1969 as amended.

Form Numbers: 3150–4, 3150–5.

Frequency: On occasion.

Description of Respondents: Oil and gas exploration and drilling companies.

Estimated Completion Time: Form 3150–4—1 hour, Form 3150–5—⅓ hour.

Annual Responses: 1200.

Annual Burden Hours: 800.

Bureau Clearance Officer (Alternate): Dorothy Chambers, (202) 653–8853.

Dated: January 19, 1993.

Hillary A. Oden,

Assistant Director, Energy and Mineral Resources.

[FR Doc. 93–7553 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–84–M

[AK–960–03–4230–05]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for review of the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0028), Washington, DC, 20503, telephone 202–395–7340.

Title: Native Indian or Eskimo of Alaska Trustee Deed Application, 43 CFR 2564.

OMB Approval Number: 1004–0028.

Abstract: Native Indians or Eskimos of Alaska use the Native Indian or Eskimo of Alaska Trustee Deed Application to obtain title to lands within Alaska townsites (43 U.S.C. 733–737) from the Alaska Townsite Trustee. Applications are filed in each of the 21 townsites. Alaska native individuals are the only applicants for townlot deeds in restricted and unrestricted status using this application.

Bureau Form Number: AK 2560–6.

Frequency: On occasion.

Description of Respondents: Native Indians or Eskimos of Alaska.

Estimated Completion Time: 30 minutes.

Annual responses: 60.

Annual Burden Hours: 30.

Bureau Clearance Officer (Alternate): Gerri Jenkins 202–653–6105.

Dated: November 10, 1992.

Michael J. Penfold,

Assistant Director, Land and Renewable Resources.

[FR Doc. 93–7554 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–JA–M

[AA–260–4210–01]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0011), Washington, DC 20503, telephone 202–395–7340.

Title: Color-of-Title Tax Levy and Payment Record, 43 CFR part 2540.

OMB approval number: 1004–0011.

Abstract: Respondents supply identifying information to be used by the agency to process applications to determine validity of color-of-title claim and aid in the documentation of tax payments in support of the color-of-title applications to public lands.

Bureau form number: 2540–3.

Frequency: Once.

Description of respondents: Individuals applying for a color-of-title claim to public lands.

Estimated completion time: 1 hour.

Annual responses: 37.

Annual burden hours: 37.

Bureau clearance officer (Alternate): Marsha Harley 202–653–6105.

Dated: February 18, 1993.

Kemp Conn,

Deputy Assistant Director for Land and Renewable Resources.

[FR Doc. 93–7555 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–84–M

[AA–260–4210–05]

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 for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau of Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0004), Washington, DC 20503, telephone 202–395–7340.

Title: Desert Land Entry, 43 CFR 2520.

OMB Approval Number: 1004–0004.

Abstract: Respondents supply identifying information to be used by the agency to determine eligibility for farming on Bureau administered desert land.

Bureau Form Number: 2520–1.

Frequency: Once.

Description of Respondents: Individuals applying for entry on to public land under the Desert Land Act.

Estimated completion time: 90 minutes.

Annual Responses: 20.

Annual burden hours: 30.

Bureau Clearance Officer: (Alternate) Marsha A. Harley, 202–653–6105.

Dated: January 27, 1993.

Mike Penfold,

Assistant Director for Land and Renewable Resources.

[FR Doc. 93–7556 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–84–M

[AA–680–01–4142–02]

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 for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0103), Washington, DC 20503, telephone 202–395–7340.

Title: Mineral Materials Disposal, 43 CFR part 3600.

OMB approval number: 1004–0103.

Abstract: Respondents supply information and data necessary to process applications for the removal of mineral materials from the public lands. Operators also provide periodic production information which is used by the Government to verify that payment has been made for the Federal mineral materials. The information is needed to prevent unnecessary destruction of natural resources, to ensure that the Government is not liable for costly reclamation of abandoned sites, and to ensure that the Government receives fair market value for the disposal of mineral materials.

Bureau Form Number: 3600–4, 3600–5.

Frequency: Upon application.

Description of Respondents: Individuals and entities applying for a permit or contract to remove mineral materials from the public lands.

Estimated completion time: 14 minutes (approximate).

Annual Responses: 6,200.

Annual Burden Hours: 1,485.

Bureau Clearance Officer (Alternate): Gerri Jenkins 202–653–6105.

Adam A. Sokoloski,

Acting Assistant Director, Energy and Mineral Resources.

[FR Doc. 93–7558 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–84–M

[WO–610–4110–03–2410]

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 for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0145), Washington, DC 20503, telephone 202–395–7340.

Title: Oil and Gas Exploration and Leasing.

OMB Approval Number: 1004–0145.

Abstract: Respondents supply information which will be used to determine the eligibility of an applicant to hold, explore for, and produce oil and gas on Federal lands. The information supplied allows the Bureau of Land Management to determine whether an

applicant is qualified to conduct geophysical operations and to hold a lease to obtain a benefit under the terms of the Mineral Leasing Act of 1920.

Bureau Form Numbers: N/A.

Frequency: On occasion.

Description of Respondents: Individuals, small businesses, and oil and gas exploration and drilling companies.

Estimated Completion Time: 1 hour.

Annual Responses: 1400.

Annual Burden Hours: 1400.

Bureau Clearance Officer: (Alternate) Dorothy Chambers (202) 653–8853.

Dated: January 15, 1993.

Hillary A. Oden,

Assistant Director, Energy and Mineral Resources.

[FR Doc. 93–7559 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–84–M

[WO230–09–4310–87]

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 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 contracting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirements should be—made directly to the Bureau Clearance Officer and the Office of Management and Budget, Paperwork Reduction Project (1004–0001), Washington, DC 20503, telephone (202) 395–7340.

Title: Free Use Application and Permit.

OMB Approval Number: 1004–0001

Abstract: This form is used to provide for proper management of material disposal when product sale is not feasible or in the best interest of the Government.

Bureau form number: 5510–1.

Frequency: On Occasion.

Description of respondents: Settlers, residents, miners, and nonprofit groups.

Estimated completion time: 30 minutes.

Annual responses: 416.

Annual burden hours: 208.

Bureau Clearance Officer: (Alternate) Marsha A. Harley (202) 653–6105.

Dated: March 23, 1993.

Michael J. Penfold,

Assistant Director, Land and Renewable Resources.

[FR Doc. 93–7560 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–84–M

[CO–920–93–4110–03; COC48859]

Colorado; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease COC48859, Moffat County, Colorado, was timely filed and was accompanied by all required rentals and royalties accruing from November 1, 1992, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The lessee has paid the required $500.00 administrative fee for the lease and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

Having met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 188 (d) and (e), the Bureau of Land Management is proposing to reinstate the lease effective November 1, 1992, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Joan Gilbert of the Colorado State Office at (303) 239–3783.

Dated: March 24, 1993.

Janet M. Budzilek,

Chief, Fluid Minerals Adjudication Section.

[FR Doc. 93–7564 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–JB–M

[NV–930–4210–05; N–37119]

Realty Action; Lease/Purchase for Recreation and Public Purposes (R&PP) Act, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: R&PP lease/purchase of public lands in Clark County.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada, has been examined and found suitable for lease/purchase for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The City of Las Vegas proposes to use the land for expansion of the current park site to construct passive recreational play areas and sports facilities, including a Little League complex.

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,

Section 3, Lots 95 and 96.

Containing 10.57 acres more or less.

The land is not required for any federal purpose. The lease/purchase is consistent with current Bureau planning for this area and would be in the public interest.

The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. As easement for streets, roads, public utilities and flood control purposes in accordance with the transportation plan for Clark County/the City of Las Vegas.

2. Those rights for underground distribution and telephone line purposes which have been granted to Nevada Power Co. and Centel by Permit No. N–54772 under the Act of October 21, 1976.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or purchase under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral disposal law.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The land will not be offered for lease/purchase until after the classification becomes effective.

Dated: March 22, 1993.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 93–7469 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–HC–M

[NV–930–4210–05; N–56920]

Lease/Purchase for Recreation and Public Purposes (R&PP) Act Clark County, NV; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: R&PP lease/purchase of public lands in Clark County.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada, has been examined and found suitable for lease/purchase for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The Clark County School District proposes to use the land for an elementary school site.

Mount Diablo Meridian, Nevada

T. 22 S., R. 63 E.,
Section 4: E½SW¼SW¼NW¼.
Containing 5 acres more or less.

The land is not required for any federal purpose. The lease/purchase is consistent with current Bureau planning for this area and would be in the public interest.

The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads, public utilities and flood control purposes in accordance with the transportation plan for Clark County/the City of Las Vegas.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District; 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or purchase under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral disposal law.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The land will not be offered for lease/purchase until after the classification becomes effective.

Dated: March 22, 1993.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 93–7557 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–HC–M

[WY–010–5700–11; WYW 123107]

Proposed Exchange; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed exchange involving public lands in Park County, Wyoming.

SUMMARY: The surface estate of the following described public lands is being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The exchange is in accordance with the Cody Resource Management Plan approved November 8, 1990, and the Grass Creek Resource Area Management Framework Plan dated July 1983. Final determination for disposal will be made through the Environmental Assessment process pursuant to the National Environmental Policy Act of 1969, as amended.

Sixth Principal Meridian

T. 49 N., R. 99 W.,
Sec. 4, lot 5;
Sec. 7, lots 5 & 23;
Sec. 9, W½NW¼, NW¼SW¼;
Sec. 17, lot 8, SW¼SE¼;
Tract 41, lots, 26, 32, 34, & 37.
T. 50 N., R. 99 W.,
Sec. 30, lots 13, 14;
Sec. 31, lot 37;
Sec. 32, lot 8;
Sec. 33, lots 4, 23, SE¼SW¼, S½SE¼.
T. 53 N., R. 99 W.,
Sec. 18, lots 9 & 10;
Sec. 19, lots 1 & 2;
Sec. 27, NW¼, NW¼SW¼;
Sec. 28, E½, E½W½;
Sec. 30, lot 1;
Sec. 32, NW¼NW¼.
T. 53 N., R. 100 W.,
Sec.25, E½NE¼, W½W½, SE¼.
T. 50 N., R. 101 W.,
Sec. 1, SW¼NW¼, W½SW¼;
Sec. 2, lots 1–3, S½NE¼, E½SE¼;
Sec. 4, lot 5, NE¼SW¼;
Sec. 12, NW¼, NW¼SW¼;
Sec. 14, NE¼NE¼, S½NE¼;
Lot 52.
T. 50 N., R. 102 W.,
Sec. 7, lot 14;
Sec. 9, lot 1;
Sec. 10, lots 1 & 2;
Sec. 12, lot 5;
Sec. 13, lot 3;
Sec. 16, lot 1;
Sec. 17, SW¼SW¼;
Sec. 18, lots 5, 7–10, SE¼SE¼;
Sec. 19, lots 3–6, W½NE¼, SE¼NE¼, E½NW¼, E½SW¼;
Sec. 20, NE¼SE¼;
Sec. 22, lot 9.
T. 50 N., R. 103 W.,
Sec. 5, lots 1 & 2.
T. 50 N., R. 104 W.,
Sec. 1, lots 10, 11, & 14;
Sec. 2, lot 6;
Sec. 10, lots 8 & 10;
Sec. 11, lot 16, NE¼NE¼
Sec. 14, lots 7, 11, & 14.
T. 51 N., R. 101 W.,
Sec. 18, lot 12;
Sec. 19, lot 5;
Sec. 20, lot 7;
Sec. 22, lots 2–6, S½SW¼, SW¼SE¼;
Sec. 27, NE¼, NE¼SE¼, E½SW¼;
Sec. 28, lot 2, S½SE¼;
Sec. 35, lot 7, SE¼SW¼;
Tract 38C;
Tract 71J.
T. 51 N., R. 102 W.,
Sec. 16, lot 4;
Sec. 19, SE¼NW¼;
Sec. 23, SW¼SE¼;
Sec. 26, W½NE¼;
Tract 80A.
T. 51 N., R. 103 W.,
Sec. 33, lot 2;
Sec. 35,, lot 12.

The above area described aggregates 4,859.79 acres in Park County.

EFFECTIVE DATE: The publication of this notice in the **Federal Register** will segregate the public lands described above from appropriation under the public land laws, including the mining laws, except for exchange pursuant to section 206(b) of the Federal Land

Policy and Management Act of 1976. The segregative effect will terminate upon issuance of patent or two years from the effective date, or by publication of a Notice of Termination by the Authorized Officer, whichever comes first.

FOR FURTHER INFORMATION CONTACT: Lylia Livingston, Bureau of Land Management, 1002 Blackburn Avenue, Cody, Wyoming 82520 (307) 587–2216. Information relating to the exchange is available for review at the Cody Resource Area Office. An open house is planned for June 24, 1992, from 9 a.m. to 8 p.m.

SUPPLEMENTARY INFORMATION: The State Director, Bureau of Land Management, Wyoming, has entered into an agreement with the Hoodoo Ranch to begin Phase II of the Carter Mountain/McCullough Peaks land exchange in order to acquire the balance of non-Federal lands offered in Phase I of the exchange, as published in the **Federal Register** on September 24, 1992, 57 FR 44200–44201. The exchange would also acquire additional non-Federal lands offered within the Fifteenmile Wild Horse Area, Grass Creek Resource Area, for a total of 2,598.94 acres. A detailed description of the offered land is available for review at the Cody Resource Area Office. The public interest would be served by the completion of this exchange.

Phase I accomplished the acquisition of 1,772.24 acres of land out of 2,142.24 acres of non-Federal lands on Carter Mountain.

The exchange will be for equal appraised values. Any differences in value between the offered and selected lands will be equalized through adjustments in public land acreage or through a cash payment from the proponent. Some of the lands described above may be deleted from consideration to achieve equal values between the offered and selected lands in the exchange.

A Notice of Realty Action with detailed information will be published in accordance with existing regulations, when the environmental document is completed.

Dated: March 23, 1993.

Duane Whitmer,

Area Manager.

[FR Doc. 93–7471 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–22–M

[UT–920–03–4140–02–GEOT]

Designation of the Thermo Hot Springs II Known Geothermal Resource Area; UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Designation of the Thermo Hot Springs II Known Geothermal Resource Area, Utah.

SUMMARY: Pursuant to the authority vested in the Secretary of the Interior by sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegation of authority in 235 Departmental Manual 1.1k, Bureau of Land Management, the following lands are hereby designated as the Thermo Hot Springs II Known Geothermal Resource Area.

EFFECTIVE DATE: December 1, 1992.

Thermo Hot Springs II Known Geothermal Resource Area

T. 30 S., R. 12 W., SLM Utah.
Sec. 15, Lot 4, E½E½, W½SE¼, SE¼SW¼;
Sec. 22, Lots 1 to 4 inclusive, N½NE¼, E½NW¼.

The above area aggregates 640.87 acres, more or less.

FOR FURTHER INFORMATION CONTACT: James Fouts at 801–539–4044, or Robert Henricks at 801–539–4041, Bureau of Land Management, Utah State Office, (UT–922), P.O. Box 45155, Salt Lake City, Utah, 84145–0155.

James M. Parker,

Utah State Director.

[FR Doc. 93–7479 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–DQ–M

[OR–943–4210–06; GP3–151; ORE–016183]

Proposed Continuation of Withdrawal; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a portion of the land withdrawal for a recreation site continue for an additional 20 years and requests that the land involved remain closed to surface entry and mining.

DATES: Comments should be received by June 30, 1993.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208, 503–280–7171.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management proposes that the existing withdrawal made by Public Land Order No. 3869 be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988).

The Darby Creek recreation site contains 20 acres in Sec. 15, T. 31 S., R. 8 W., W.M., Douglas County, approximately 2 miles west of Riddle.

The purpose of the withdrawal is to protect the recreation area. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination of the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: March 22, 1993.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 93–7550 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–33–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Review under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0051); Washington, DC

20503, telephone (202) 395–7340, with copies to Chief, Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817.

Title: Oil and Gas Production Measurement, Surface Commingling, and Security, Subpart L, 30 CFR part 250

OMB approval number: 1010–0051

Abstract: Respondents submit this information to MMS's District Supervisors so they can evaluate the equipment and/or procedures and approve or disapprove the equipment and/or procedures for use during offshore production measurement and commingling operations.

Bureau form number: None

Frequency: Varied

Description of respondents: Federal Outer Continental Shelf oil and gas lessees

Estimated completion time: .08 hours (4.8 minutes)

Annual responses: 2,395 (rounded)

Recordkeeping hours: 2,255

Annual burden hours: 4,650 (rounded)

Bureau Clearance Officer: Arthur Quintana, (703) 787–1238

Dated: February 23, 1993.

Henry G. Bartholomew,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 93–7546 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–MR–M

Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0086); Washington, DC 20503, telephone (202) 395–7340, with copies to Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817.

Title: 30 CFR part 250, subpart P, Sulphur Operations

OMB approval number: 1010–0086

Abstract: This information is needed to ascertain the conditions of a drilling site. This is necessary to mitigate the hazards inherent in drilling operations and to increase the margin of safety of personnel and the environment.

Bureau form number: None

Frequency: On occasion

Description of respondents: Lessees of Outer Continental Shelf Sulphur Leases

Estimated completion time: 2.3 hours (rounded)

Annual responses: 50

Recordkeeping hours: 331

Annual burden hours: 116

Bureau Clearance Officer: Dorothy Christopher, (703) 787–1238

Dated: January 12, 1993.

Henry G. Bartholomew,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 93–7547 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–MR–M

Information Collection Submitted to the Office of Management and Budget (OMB) for Review under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0036); Washington, DC 20503, telephone (202) 395–7340, with copies to Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817.

Title: Inspection and Reporting of Progress and Results of Activities Conducted Under Permits, 30 CFR 251.7

OMB approval number: 1010–0036

Abstract: Respondents provide the Minerals Management Service (MMS) with a status report that enables MMS to verify that permit requirements are met, estimate completion dates, and determine the quality of data acquired by persons operating under a permit for geological and geophysical exploration for mineral resources and scientific research in the Outer Continental Shelf (OCS).

Bureau form number: Forms MMS–328 and MMS–329

Frequency: Monthly and other

Description of respondents: Federal OCS permittees

Estimated completion time: 8 hours

Annual responses: 800

Annual burden hours: 6,400

Bureau Clearance Officer: Arthur Quintana, (703) 787–1238

Dated: February 10, 1993.

Henry G. Bartholomew,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 93–7548 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–MR–M

Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0050); Washington, DC 20503, telephone (202) 395–7340, with copies to Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817.

Title: 30 CFR part 250, subpart J, Pipelines and Pipeline Rights-of-Way

OMB approval number: 1010–0050

Abstract: The information is submitted by respondents to MMS to enable MMS to ensure that pipelines are planned, installed, operated, and maintained in a way to ensure safety, protect the environment, and prevent waste

Bureau form number: None.

Frequency: Varies

Description of respondents: Federal Outer Continental Shelf oil and gas lessees

Estimated completion time: 36.37 hours (rounded)

Annual responses: 1,811.

Recordkeeping hours: 2,940

Annual burden hours: 68,806

Bureau clearance officer: Arthur Quintana, (703) 787–1238

Dated: March 5, 1993.

E.P. Danenberger,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 93–7549 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–MR–M

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 collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0043); Washington, DC 20503, telephone (202) 395–7340, with copies to Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817

Title: 30 CFR part 250, Subpart F, Well-Workover Operations

OMB approval number: 1010–0043

Abstract: This information will be used by the District Supervisors to evaluate and approve or disapprove the adequacy of equipment and/or procedures to be used during the conduct of well-workover operations.

Bureau form number: None

Frequency: On occasion

Description of respondents: Federal Outer Continental Shelf oil, gas, and sulphur lessees

Estimated completion time: 0.75 hour

Annual responses: 20

Recordkeeping hours: 430

Annual burden hours: 15

Bureau Clearance Officer: Dorothy Christopher, (703) 787–1238

Dated: January 6, 1993.

Henry G. Bartholomew,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 93–7561 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–MR–M

Information Collection Submitted to the Office of Management and Budget (OMB) for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0049); Washington, DC 20503, telephone (202) 395–7340, with copies to Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817.

Title: 30 CFR part 250, subpart B, Exploration and Development and Production Plans.

OMB approval number: 1010–0049.

Abstract: This information will be used by the Minerals Management Service to determine if activities covered in exploration, development and production plans, and environmental reports are carried out in a safe and environmentally acceptable manner.

Bureau form number: None.

Frequency: On occasion.

Description of respondents: Federal Outer Continental Shelf oil and gas lessees.

Estimated completion time: 236.8 hours.

Annual responses: 725.

Annual burden hours: 171,680.

Bureau Clearance Officer: Arthur Quintana, (703) 787–1238.

Dated: February 12, 1993.

Henry G. Bartholomew,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 93–7562 Filed 3–31–93; 8:45 am]

BILLING CODE 4310–MR–M

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 and listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927–5750 or (202) 927–6245.

Comments on the following assessment are due 15 days after the date of availability:

AB–290 (Sub-No. 125X), Norfolk and Western Railway Company—Abandonment—Between Cowden and Coffeen, Illinois. EA available 3/23/03.

Comments on the following assessment are due 30 days after the date of availability:

AB–6 (Sub-No. 348X), Burlington Northern Railroad Company—Abandonment—In Beaverton, Washington County, Oregon. EA available 3/24/93.

AB–55 (Sub-No. 457X), CSX Transportation, Co.—Discontinuance of Service in Jefferson and Indiana Counties, Pennsylvania. EA available 3/26/93.

AB–319 (Sub-No. 2X), Florida Central Railroad Company, Inc.—Abandonment and Discontinuance of Service in Lake County, FL. EA available 3/24/93.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–7579 Filed 3–31–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32162]

Indiana Hi-Rail Corporation; Lease and Operation Exemption; Norfolk and Western Railway Company Line Between Rochester and Argos, IN, and Exemption From 49 U.S.C. 10761, 10762, and 11144

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts Indiana Hi-Rail Corporation (IHR): (1) from the prior approval requirements of 49 U.S.C. 11343, *et seq.*, for its lease and operation of Norfolk and Western Railway Company's 13-mile rail line between Rochester and Argos, IN; and (2) from the requirements of tariff filing (49 U.S.C. 10761 and 10762) and record keeping (49 U.S.C. 11144). The exemption is subject to standard employee protective conditions.

DATES: This exemption will be effective on May 1, 1993. Petitions to stay must be filed by April 16, 1993. Petitions to reopen must be filed by April 26, 1993.

ADDRESSES: Send pleadings referring to Finance Docket No. 32162 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: John D. Heffner, Suite 1107, 1700 K St., NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–5610. (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927–5721.)

Decided: March 16, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden. Vice Chairman Simmons, joined by Chairman McDonald, dissented in part with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–7580 Filed 3–31–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Air Act; United States v. Coleman Trucking Co., et al.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on February 25, 1993, a proposed Consent Decree in *United States* v. *Coleman Trucking Co., et al.*, Civil Action No. 1:91CV0499, was lodged in the United States District Court for the Northern District of Ohio. The Complaint filed by the United States alleged violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos, 40 CFR part 61, subpart M, by various parties, including the St. Luke's Hospital ("St. Luke's").

The proposed Consent Decree would resolve claims the United States has asserted against St. Luke's. The decree does not address the liability of any other Defendants in this action.

The proposed decree requires St. Luke's to comply with all requirements of the asbestos NESHAP. Under the proposed decree, St. Luke's must diligently investigate the background of any asbestos contractor hired to perform renovation or demolition work involving asbestos. The decree provides that only persons with adequate asbestos abatement training may be used for specified activities that may result in contact with asbestos. In addition, prior to future demolition or renovation operations, St. Luke's facilities will be examined by licensed inspectors, and if suspected asbestos containing material is found, St. Luke's must either have the material analyzed or handle the material as friable asbestos. The consent decree also sets forth training requirements applicable to persons who perform inspections or asbestos abatement activities at St. Luke's facilities. Finally, the proposed consent decree also requires St. Luke's to pay a civil penalty of $17,300.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *Coleman Trucking Co., et al.*, D.J. Ref. No. 90–5–2–1–1378A.

The proposed Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the Northern District of Ohio, suite 500, 1404 East Ninth Street, Cleveland, Ohio 44114–1748 (contact Assistant United States Attorney James Bickett); (2) the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Assistant Regional Counsel Deborah Schmitt); and (3) the Environmental Enforcement Section, Environment & Natural Resources Division, U.S. Department of Justice, room 1541, 10th & Pennsylvania Avenue, NW., Washington, DC. Copies 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, telephone (202) 624–0892. For a copy of the Consent Decree please enclose a check in the amount of $3.50 (25 cents per page reproduction charge) payable to Consent Decree Library.

John C. Cruden,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–7544 Filed 3–31–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to Clean Air Act; United States v. Coleman Trucking Co., et al.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on February 25, 1993, a proposed Consent Decree in *United States* v. *Coleman Trucking Co., et al.*, Civil Action No. 1:91CV0499, was lodged in the United States District Court for the Northern District of Ohio. The Complaint filed by the United States alleged violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos, 40 CFR part 61, subpart M, by various parties, including the Cleveland Metropolitan Housing Authority ("CMHA").

The proposed Consent Decree would resolve claims the United States has asserted against CMHA. The decree does not address the liability of any other Defendants in this action.

The proposed decree requires CMHA to comply with all requirements of the asbestos NESHAP. Under the proposed decree, CMHA must diligently investigate the background of any asbestos contractor hired to perform renovation or demolition work involving asbestos. The decree provides that only persons with adequate asbestos abatement training may be used for specified activities that may result in contact with asbestos. In addition, prior to future demolition or renovation operations, CMHA facilities will be examined by licensed inspectors, and if suspected asbestos containing material is found, CMHA must either have the material analyzed or handle the material as friable asbestos. The consent decree also sets forth training requirements applicable to persons who perform inspections or asbestos abatement activities at CMHA facilities. Finally, the proposed consent decree also requires CMHA to pay a civil penalty of $2,500.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *Coleman Trucking Co., et al.*, D.J. Ref. No. 90–5–2–1–1378A.

The proposed Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the Northern District of Ohio, suite 500,

1404 East Ninth Street, Cleveland, Ohio 44114–1748 (contact Assistant United States Attorney James Bickett); (2) the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Assistant Regional Counsel Deborah Schmitt); and (3) the Environmental Enforcement Section, Environment & Natural Resources Division, U.S. Department of Justice, room 1541, 10th & Pennsylvania Avenue, NW., Washington, DC. Copies 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 20044, telephone (202) 624–0892. For a copy of the Consent Decree please enclose a check in the amount of $3.50 (25 cents per page reproduction charge) payable to Consent Decree Library.

John C. Cruden,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–7545 Filed 3–31–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Air Act; United States v. Eastern Environmental Services of the Southeast, Inc.

In accordance with Department of Justice Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Eastern Environmental Services of the Southeast, Inc.* Civ No. 93–374–Civ–T–99B was lodged with the United States District Court for the Middle District of Florida on March 4, 1993. This agreement resolves a judicial enforcement action brought by the United States against the defendant pursuant to sections 112 and 113 of the Clean Air Act, 42 U.S.C. 7412, 7413. In its complaint, the United States alleged that Eastern Environmental had failed to follow proper procedures for the removal of asbestos material during two separate renovation actions.

The proposed Consent Decree provides that Eastern Environmental will pay a civil penalty of $28,000 in settlement of claims alleged in the Complaint. In addition, the Decree requires that Eastern Environmental develop a training program for all company employees dealing with the proper identification and removal of asbestos containing materials.

The Department of Justice will receive for a period of 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 Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Eastern Environmental Services of the Southeast, Inc.*, D.O.J. Ref. No. 90–5–2–1–1518.

This proposed Consent Decree may be examined at the offices of the United States Attorney, 500 Zack Street, Tampa, Florida 33602, at the Office of Regional Counsel, Environmental Protection Agency, 345 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 $4.50 (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. 93–7542 Filed 3–31–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"); United States v. NL Industries, Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *NL Industries, Inc., et al.*, Civil No. 91–00578–JLF, was lodged on March 23, 1993, with the United States District Court for the Southern District of Illinois. The decree pertains to the NL Industries/Taracorp Superfund Site in Granite City, Illinois.

The Consent Decree requires Southern to pay to the Hazardous Substances Superfund the sum of $30,000 plus interest accruing from November 10, 1992. Such payments would be made in two installments over a period of 180 days.

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, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *NL Industries, Inc., et al.* (S.D. Ill.) and DOJ Ref. No. 90–11–3–608A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Southern District of Illinois, room 330, 750 Missouri Avenue, East St. Louis, Illinois (62201); the Region V office of U.S. EPA, 77 West Jackson Blvd., Chicago, Illinois (60604–3509); 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 enclose a check in the amount of $5.00 (25 cents per page reproduction costs) payable to the "Consent Decree Library."

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–7543 Filed 3–31–93; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated December 28, 1992, and published in the **Federal Register** on January 11, 1993, (58 FR 3560), Johnson Matthey Inc., Custom Pharmaceuticals Department, 2002 Nolte Drive, West Deptford, New Jersey 08066, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

A registered manufacturer did file an objection with respect to Methylphenidate (1724). Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations § 1301.54(e), the Director hereby orders that the application for registration submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above, with the exception of Methylphenidate (1724) is granted.

Dated: March 24, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-7582 Filed 3-31-93; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 18, 1993, Sigma Chemical Company, 3500 DeKalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-methamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Ethyl-1-phenylcyclohexylamine (7455).	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458).	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470).	I
Etorphine (except HCl) (9056)	I
Difenoxin (9168)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661).	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Beta-hydroxyfentanyl (9830)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Fenethylline (1503)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
1-Piperidinocyclo-hexanecarbonitrile (8603)	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than May 3, 1993.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: March 24, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-7584 Filed 3-31-93; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 3, 1993, Stanford Seed Company, 340 South Muddy Creek Road, Denver, Pennsylvania 17517, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (7360) a basic class of controlled substance in Schedule I. This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than May 3, 1993.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required

to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: March 24, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-7583 Filed 3-31-93; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 12, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 12, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 22nd day of March 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of Petition no.	Petition No.	Articles produced
General Electric Co, Arrestors Oper (Wkrs).	Pittsfield, MA	03/22/93	01/21/93	28,461	Arrestors.
Pennzoil Sulphur Co Exploration (Co)	The Woodlands, TX	03/22/93	03/09/93	28,462	Sulphur.
Roseburg Forest Products, Plant #3 (IWA).	Roseburg, OR	03/22/93	03/08/93	28,463	Plywood.
Austin Computer Systems (Wkrs)	El Paso, TX	03/22/93	03/09/93	28,464	Personal computers.
Tracey Warner School of Fashion (Wkrs).	Philadelphia, PA	03/22/93	03/08/93	28,465	Fashion design school.
Russell-Newman, Inc (Co)	Breckenridge, TX	03/22/93	03/10/93	28,466	Ladies' sleepwear.
Ozalid Corp (Wkrs)	Vestal, NY	03/22/93	03/08/93	28,467	Diazo and zerographic reprographic equipment.
Maynard Oil Co (Wkrs)	Dallas, TX	03/22/93	03/11/93	28,468	Oil and gas production.
Magic Chef Co (Wkrs)	Cleveland, TN	03/22/93	03/05/93	28,469	Gas ranges.
Vought Aircraft Co (Wkrs)	Dallas, TX	03/22/93	03/09/93	28,470	Aircraft components.
Laurel Metals, Inc (Wkrs)	Johnstown, PA	03/22/93	02/02/93	28,471	Steel rods.
International Drilling Fluids (Co)	Houston, TX	03/22/93	03/02/93	28,472	Drilling fluid additives.
Craftex Creations, Inc (Wkrs)	Candor, NC	03/22/93	02/26/93	28,473	Ladies' sleepwear and daywear.
Border Steel Rolling Mills (Wkrs)	El Paso, TX	03/22/93	03/09/93	28,474	Rebar, ball steel.
Airfoil Forging Textron (UAW)	Euclid, OH	03/22/93	03/11/93	28,475	Forgings for jet engine blades.
MI-Drilling Fluids (Wkrs)	Denver, CO	03/22/93	02/26/93	28,476	Drilling fluids.
MI-Drilling Fluids (Wkrs)	Williston, ND	03/22/93	02/26/93	28,477	Drilling fluids.

[FR Doc. 93-7575 Filed 3-31-93; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act: National Workforce Assistance Collaborative

AGENCY: Employment and Training Administration, DOL.

ACTION: Notice of availability of funds and of solicitation for grant application (SGA).

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), announces its intent to award a grant on a competitive basis for the purpose of establishing a National Workforce Assistance Collaborative (NWAC). The purpose of the Collaborative is to develop and provide technical assistance on human resource development and implementation of management systems which reflect the characteristics of high performance work organizations. The products of the NWAC will be developed for use by organizations that assist small businesses, e.g., the Department of Commerce's Manufacturing Technology Centers (MTCs), State industrial modernization programs, the Small Business Administration's Small Business Development Centers (SBDCs), community colleges, four-year colleges, and other assistance providers at the Federal, State, local and regional levels.

Eligible applicant(s) under this solicitation shall be nonprofit community organizations and institutions of higher education. (Institutions of higher education include accredited junior and community colleges.)

In conjunction with this effort, ETA is simultaneously announcing another SGA—National Center for the Workplace—in this issue of the **Federal Register** which will be complimentary to the Collaborative. The Center will provide leadership in developing and coordinating relevant new knowledge and the Collaborative will provide leadership in the application of such knowledge.

Eligible applicants may submit proposals under either or both solicitations. However, these shall remain separate grants with discrete activities under each title. For this reason, it will be necessary for those parties wishing to be considered for grants under both solicitations to submit separate applications. Dual applicants are reminded that proposals for the Collaborative and the Center will be evaluated according to separate criteria for each grant. An applicant receiving the award under one solicitation will be precluded from receiving an award under the other solicitation.

DATES: The application package for this solicitation will be available April 16, 1993. The requests for a copy of the solicitation must be made in writing to the address below. Telephone and telefacsimile (FAX) requests will not be honored. Requests must cite SGA/DAA 93–002 and must include two (2) self-addressed labels. Requests will be honored on a first come, first serve basis until the supply of 300 is exhausted. The closing date for receipt of proposals will be May 17, 1993, 2 p.m. Eastern time. Any application not reaching the designated place by the specified date and time of delivery will not be considered.

ADDRESSES: Mail your request to obtain Solicitation for Grant Application (SGA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contract Management, Division of Acquisition and Assistance, 200 Constitution Avenue, NW., room S-4203, Washington, DC 20210, Attention: Reda Harrision, Reference SGA/DAA 93–002.

FOR FURTHER INFORMATION CONTACT: Reda Harrison, Telephone: (202) 219–8702 (This is not a Toll Free Number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, U.S. Department of Labor, will award one (1) grant at approximately $650,000 for the first twelve (12) months of operation. Pending availability of funds, effective operation of grants, and the needs of the Department, the grant may be extended for an additional four (4) years. The period of performance will be 12 months from the date of execution by the Government.

Signed at Washington, DC, on March 23, 1993.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 93–7573 Filed 3–31–93; 8:45 am]

BILLING CODE 4510–30–M

Job Training Partnership Act; National Center for the Workplace

AGENCY: Employment and Training Administration, DOL.

ACTION: Notice of availability of funds and of solicitation for grant application (SGA).

SUMMARY: The Employment and Training Administration, U.S. Department of Labor, announces its intent to award a grant on a competitive basis for the purpose of establishing a National Center for the Workforce. The purpose of the Center is to create a national workforce development resource capable of identifying and researching emerging issues and trends in the workforce and providing the information resources needed to offer technical assistance, and technical information in these areas to labor organizations, employers, educational institutions, and workers. In conjunction with this effort, ETA is simultaneously announcing in this issue of the **Federal Register** a second, but separate effort—National Workforce Assistance Collaborative—which will be complementary to the Center. The Center will provide leadership in developing and coordinating relevant new knowledge and the Collaborative will provide leadership in the application of such knowledge. Eligible Applicant(s) shall be a consortium of three or more institutions of higher education in the United States. ("Institutions of higher education" include accredited junior and community colleges). For the purposes of this Solicitation, "Consortium" is defined as three or more institutions of higher education, one of which must serve as the "host institution" and shall meet the following criteria:

1. Broad collective knowledge of and demonstrable experience in the wide range of employment and workplace issues.

2. A faculty that, collectively, demonstrates a nonpartisan research and policy perspective joining the several revelant workplace disciplines (labor economics, industrial relations, collective bargaining, human resources management, sociology, psychology, and law) in a multidisciplinary approach to workplace issues.

3. Established credibility and work relations with employers unions, and government agencies on a national scale, and established means of providing education and technical assistance to each of the above groups that include publications, state-of-the-art electronic and video technology, and distinguished extension/outreach programs operating on a national and international level.

Eligible applicants may submit proposals under either one or both solicitations. However, these shall remain separate grants with discrete activities. For this reason it will be necessary for those parties wishing to be considered for both grants to submit separate applications. Dual applicants are reminded that proposals for the Center and the Collaborative will be evaluated according to separate criteria for each grant. The award of a grant under one solicitation will preclude that organization from receiving an award under the other solicitation.

DATES: The application package for this solicitation will be available April 16, 1993. The requests must be made in writing to the address below. Telephone and telefacsimile (FAX) requests will not be honored. Requests must cite SGA/DAA 93–001 and must include two (2) self-addressed labels. Requests will be honored on a first come, first serve basis until the supply of 300 is exhausted. The closing date for receipt of proposals will be May 17, 1993, 2 p.m. Eastern time. Any applications not reaching the designated place by specified date and time of delivery will not be considered.

ADDRESSES: Mail your request to obtain Solicitation for Grant Application (SGA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contract Management, Division of Acquisition and Assistance, 200 Constitution Avenue, NW., room S–4203, Washington, DC 20210, Attention: Brenda Banks, Reference GSA/DAA 93–001.

FOR FURTHER INFORMATION CONTACT: Brenda Banks, Telephone: (202) 219–8702 (This is not a Toll Free Number).

SUPPLEMENTAL INFORMATION: The Employment and Training Administration, U.S. Department of Labor, will award one (1) grant at approximately $744,000 for the first eighteen (18) months of operation.

Pending availability of funds, effective grant operation, and the needs of the Department, the grant may be

extended for an additional four (4) years at one year intervals.

Signed at Washington, DC on March 23, 1993.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 93–7574 Filed 3–31–93; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Shipyard Employment Standards Advisory Committee Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Shipyard Employment Standards Advisory Committee (SESAC), established under the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C., App. I) and section 7(b) of the Occupational Safety and Health Act, 29 U.S.C. 656(b), will convene on April 29, 1993, at 8:30 a.m., at the Omni Norfolk Hotel, 777 Waterside Drive, Norfolk Virginia, 23510. The meeting will adjourn on April 30, 1993, at approximately 12:30 p.m. The public is encouraged to attend.

The agenda is as follows:

I. Call to Order.
II. Review of transcripts of the February 19–20, 1993 meetings.
III. Discussion of the following standards:
(a) 29 CFR part 1915, subpart F, General Working Conditions.
(b) 29 CFR part 1915, subpart L, Electrical.
(c) 29 CFR part 1915, subpart U, Surface Preparation and Preservation.
IV. New Business. Discussion of the following standards, as time permits.
(a) 29 CFR part 1915, subpart J, Ships Machinery and Piping Systems. (AD–HOC Committee report)

PUBLIC PARTICIPATION: Time permitting, the Committee will consider oral presentations relating to the agenda items. Persons wishing to address the Committee should submit a written request to Mr. Thomas Hall (address below) by the close of business, April 23, 1993. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation, and an estimate of the amount of time needed. Disabled individuals wishing to attend should contact Mr. Thomas Hall at the address listed below to obtain appropriate accommodations. Individuals or organizations wishing to submit written statements should send 5 copies to the address below.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, room N–3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 219–8617.

Signed at Washington, DC., this 26th day of March, 1993.

David Zeigler,

Acting Assistant Secretary of Labor.

[FR Doc. 93–7473 Filed 3–31–93; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory panel (Arts Education Initiative Section) to the National Council on the Arts will be held on April 27, 1993 from 9 a.m.–5:30 p.m., April 28 from 9 a.m.–6 p.m., and April 29 from 9 a.m.–4:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on April 29 from 3 p.m–4:30 p.m. for policy discussion.

The remaining portions of this meeting on April 27 from 9 a.m.–5:30 p.m., April 28 from 9 a.m.–6 p.m., and April 29 from 9 a.m.–3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, thee sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: March 23, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–7475 Filed 3–31–93; 8:45 am]

BILLING CODE 7537–01–M

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Professional Development Section) to the National Council on the Arts will be held on April 28, 1993 from 9 a.m.–5 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 9 a.m.–10 a.m. The topics will be opening remarks and policy discussion.

The remaining portion of this meeting from 10 a.m.–5 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, as amended, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: March 24, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–7476 Filed 3–31–93; 8:45 am]

BILLING CODE 7537–01–M

Meeting: Music Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Jazz Fellowships Prescreening Section) to the National Council on the Arts will meet on April 20–21, 1993 from 9 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, this session will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: March 24, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–7481 Filed 3–31–93; 8:45 am]

BILLING CODE 7537–01–M

Amended Notice of Meeting; Music Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships/Services to Composers Section) to the National Council on the Arts will be held on April 5–6, 1993 from 9 a.m.–5:30 p.m., April 7 from 9 a.m.–5 p.m., and April 8 from 9 a.m.–4 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

The portion of the meeting open to the public which was to be held on April 8 from 3 p.m.–4 p.m. will now be held on April 7 from 3 p.m.–5 p.m. The topics will be policy discussion and guidelines review.

The remaining portions of this meeting on April 5–6 from 9 a.m.–5:30 p.m., April 7 from 9 a.m.–3 p.m., and April 8 from 9 a.m.–4 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information in reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: March 25, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–7482 Filed 3–31–93; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Directorate for Education and Human Resources, Division of Research Career Development; Graduate Research Traineeship Program Announcement

Closing Date: June 25, 1993.

This printed information contains the essence of the announcement for this program, and is not a full copy of the actual brochure containing the guidelines for submission. Before submitting a proposal, obtain a printed copy of the guidelines by writing or calling the publications office of NSF.

The National Science Foundation (NSF) announces the FY 1993 competition for the Graduate Research Traineeship (GRT) Program. The principle objective of the program is to increase the numbers of talented American undergraduates enrolling in doctoral programs in the following areas which NSF has selected as being particularly representative of our nation's science, mathematics, engineering and technology priorities:

Education and Human Resources

Innovation in Teaching and Learning (including assessment of student learning and research in knowledge transfer and knowledge utilization)

Biological Sciences

Environmental Biology
Plant Biology

Geosciences

Hydrology
Atmospheric Chemistry

Social and Behavioral Sciences

Cognitive Science
Organizational Effectiveness

Mathematics and Physical Sciences

Environmental Physical and Mathematical Science and Engineering (an interdisciplinary approach to environmental research)
Integrating High Performance Computing into Research

Engineering

Machine Tool Research
Environmentally Friendly Technology

Computer Science

Human-Computer Interface (HCI)
Robotics/Intelligent Control

It is anticipated that the list of targeted subdisciplines will be reviewed annually and, therefore, is subject to change if there are subsequent competitions.

Graduate Research Traineeship awards are packages of student support. The colleges and universities that receive the awards are responsible for the selection of trainees, retention of trainees, and administration of traineeships. Approximately 40 awards will be made, supporting 200 traineeship positions in FY 1993.

Program Highlights

Eligible Disciplinary (Focus) Area. . . Each proposal must be developed around one of the previously identified targeted subdisciplines.

Eligible Institutions. . . Any university or other academic institution in the United States and its territories that awards a Ph.D. in a subject area represented by a targeted field of science or engineering identified in this announcement is eligible to submit proposals.

Stipend Level/Award Type. . . Within each award, traineeships will provide a $14,000/year stipend and a $7,500/year cost-of-education allowance in lieu of tuition and fees normally charged to students of similar academic standing (unless such charges are optional or refundable). Contingent upon satisfactory progress and the availability of funds, the Foundation expects to provide renewal support annually for a maximum of five years.

Innovative Structural Components. The program is also intended to contribute to strengthening the Nation's human resource base across all geographical sectors and among all underrepresented groups. In an effort to have a more significant impact on human resource development within the scientific and technological community, the FY 1993 GRT program will encourage and give preference to proposals which include unique and progressive characteristics such as, but not limited to:

a. *Consortial arrangements* between Ph.D granting institutions and institutions that do not grant graduate degrees—The undergraduate institutions would serve as feeder schools for the graduate institutions. Consortial arrangements should achieve objectives which would otherwise be difficult to accomplish. A variety of affinity groupings could conceivably benefit from this type of targeting, including, but not limited to, university systems which might proactively utilize feeder institutions to increase participation of minorities and women in graduate science and engineering programs and alliances that develop through the activities of such NSF programs as EPSCoR and AMP.

b. *Interdisciplinary, intersectoral, and international interactions* that provide unique graduate training opportunities for American students—Programs in this category might include:

(i) Cross disciplinary interactions involving multidisciplinary training activities that maintain a clearly identified focal point, rather than arrays of unrelated, but possibly strong discipline areas;

(ii) Interactions between universities and industry involving student participation and with industry cost-sharing; and

(iii) Programs which include opportunities for international activities on the part of American graduate students. Such program components would have to provide clearly defined unique research and training benefits to the American student participants.

Numbers of Submissions—Only one proposal per targeted subject area may be submitted by an eligible institution. Overall, an institution may not submit more than three (3) GRT proposals. Multi-institutional proposals will be counted as single proposals from each of the participating institutions for the purpose of determining adherence to the proposal submission limits. If the proposal submission limit is exceeded, NSF will require that the institution(s) determine which proposals will be withdrawn from the competition before any proposals from that institution will be declared eligible for review.

Number of Traineeship Positions—Funded proposals will support five (5) traineeship positions.

Contact Person—Roosevelt Johnson, (202) 357–9453, Program Director.

Dated: March 26, 1993.

Roosevelt Johnson,

Program Director.

[FR Doc. 93–7604 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Archaeology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 22–23, 1993, 9 a.m.—5 p.m.

Place: Room 523, National Science Foundation, 1800 "G" Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: John E. Yellen, Program Director of Archeology, Division of Social, Behavioral, and Economic Research, room 320, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7804.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7525 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Astronomical Sciences (ACAST).

Date and Time: April 22 and 23, 1993 8:30 a.m.–5 p.m.

Place: National Science Foundation, 1110 Vermont Avenue, NW., Washington, DC, room 500–D.

Type of Meeting: Open.

Contact Person: Dr. M. Kent Wilson, Director, Division of Astronomical Sciences, National Science Foundation, 1800 G Street, NW., room 615, Washington, DC 20550. Telephone: 202/357–9488.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning research programs; proposals, and projects in NSF-funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short-range and long-range plans in astronomy, including a recommendation of relative priorities.

Agenda:

Thursday, April 22, 1993

8:30 a.m.—Meeting with Assistant Director/MPS
10 a.m.—Budget and Planning Discussion
1 p.m.—Discussion of Gemini Telescopes Project
2 p.m.—Committee of Visitors Report
3:30 p.m.—Report on MPS Advisory Committee Meeting
4:30 p.m.—Discussion of Organization of Division

Friday, April 23, 1993

8:30 a.m.—Budget Discussion
10:30 a.m.—Long-Range Planning Discussion; New Initiatives; Procedures for Review of University Facilities and National Centers
1 p.m.—Response to Committee of Visitors Report
2 p.m.—Committee on Astronomy and Astrophysics Report
3 p.m.—Dissolution of ACAST.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7526 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Committee of Visitors of the Advisory Committee for Astronomical Sciences; Meeting:

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Committee of Visitors of the Advisory Committee for Astronomical Sciences (AST).

Date and Time: April 19, 20, and 21, 1993; 8:30 a.m.–5 p.m

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Morris L. Aizenman, Deputy Division Director, AST, room 615, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: 202/357–7643.

Purpose of Meeting: To provide oversight review of the AST Programs.

Agenda: To carry out Committee of Visitors review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7532 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Biochemistry and Molecular Structure and Function; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting. Advisory Panel for Biochemistry and Molecular Structure and Function—Panel B

Date and Time: Monday, Tuesday and Wednesday, April 19, 20, and 21, 1993, 8:30 a.m. to 5 p.m.

Place: The National Science Foundation, 1800 G Street, NW., Washington, DC 20550, room 1242

Type of Meeting: Closed

Contact Persons: Kamal Shukla or Karl Koehler, Program Directors for Biophysics, room 325, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7777.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Biophysics Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7534 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Biochemistry and Molecular Structure and Function; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Advisory Panel for Biochemistry and Molecular Structure and Function in the Division of Molecular and Cellular Biosciences. (Panel A)

Date and Time: Wednesday, Thursday and Friday April 21–23, 1993; 9 a.m. to 5 p.m.

Place: The Historic Inns of Annapolis, Annapolis, MD

Type of Meeting: Closed.

Contact Person: Dr. Marcia Steinberg and Dr. Karl Koehler, Program Directors, Molecular Biochemistry, Room 325, Division of Molecular and Cellular Biosciences, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7945.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7536 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: April 19, 1993; 8:30 a.m.–5 p.m.

Place: National Science Foundation Annex, 1110 Vermont Avenue, NW., room 500D, Washington, DC.

Type of Meeting: Closed.

Contact Person: Karen Mudry, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7955.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Research Initiation proposals, Equipment proposals, Career Advancement proposals, Research Planning proposals, and Regular Research proposals in the area of Biomechanics and Rehabilitation as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7530 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: Wednesday, April 21, 1993; 8:30 a.m. to 5 p.m.

Place: Room 1133, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Fred Heineken, Program Director, Division of Biological and Critical Systems, room 1132, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9545.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Biotechnology and Biomedical Research Initiation proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7537 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemical and Thermal Systems; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following three meetings:

Date and Time: April 9, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 1133, 1800 G Street, NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Research Initiation Awards and the NSF Young Investigator Awards Program.

Contact Person: Dr. Farley Fisher, Program Director, (202) 357–9624.

Date and Time: April 27, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 1133, 1800 G Street, NW., Washington, DC 20550.

Agenda: Review and evaluate nominations for the Research Equipment Grants Program.

Contact Person: Dr. Maria K. Burka, Program Director, (202) 357–9606.

Date and Time: April 29, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, 1800 G Street, NW., Washington, DC 20550.

Agenda: Review and evaluate nominations for the Research Equipment Grants Program.

Contact Person: Dr. Farley Fisher, Program Director, (202) 357–9624.

Purpose of Meeting: To provide advice and recommendation to the Division of Chemical and Thermal Systems concerning proposals submitted to the Division for financial support.

Type of Meeting: Closed.

Reason for Closing: The nominations and proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations and proposals. These matters are exempt under 5 U.S.C. 552b (c) (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty in scheduling and selection of panelists.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7523 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Cross-Disciplinary Activities; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: April 23, 1993, 8:30 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, rm. 540.

Type of Meeting: Closed.

Contact Person: Dr. Caroline Wardle, Program Director, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7349.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Educational Infrastructure proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7529 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Geography and Regional Science; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: April 19–20, 1993, 8 a.m. to 5:30 p.m.

Place: Room 1243, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Brian P. Holly or Dr. Thomas J. Baerwald, Program Directors, Division of Social, Behavioral, and Economic Research, room 336, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7326.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Geography and Regional Science proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7524 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: April 22–23, 1993; 8 a.m.–5 p.m.

Place: The Inn at Foggy Bottom, 824 New Hampshire Ave., NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Wanda E. Ward, Program Director, Career Access, HRD Room 1225, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7461.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Partnerships for Minority Student Achievement proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7528 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 19–20–21, 1993; 8:30 a.m. to 5 p.m.

Place: Omni Georgetown Hotel, 2121 P. Street NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Laurence Rosenberg, Deputy Division Director, Robotics and Intelligent Systems, Rm. 310, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9572.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Database and Expert Systems proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7531 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research (DMR)

Date and Time: April 19, 1993 8:30 a.m.–5 p.m.

Place: NSF Conference & Training Center, 1110 Vermont Avenue, NW., rooms 500 A,B, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Lorretta J. Inglehart, Program Director, Instrumentation Program, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357-9789.

Purpose of Meetings: To provide advice and recommendations concerning support for DMR Instrumentation Proposals.

Agenda: Evaluation of proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7555 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: April 19–20, 1993 (9:00 a.m.–5 p.m.)

Place: National Science Foundation, Room 523, 1800 'G' Street, NW., Washington, DC

Type of Meeting: Closed.

Contact Person: Drs. Joe Jenkins and Alan Izenman, Program Directors, Division of Mathematical Sciences, room 399, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–3697 or 357–3693.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate National Science Foundation's Young Investigator proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7527 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Networking and Communications Research and Infrastructure; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Networking and Communications Research.

Date and Time: April 20, 1993; 8:30 a.m. to 5 p.m.

Place: Room 417, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Mr. Daniel Vanbelleghem, Networking and Communications Research Program, National Science Foundation, room 416, Washington, DC 20550 (202) 357–9717.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the NSFNET Connections Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals.

These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 29, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–7533 Filed 3–31–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Generic Letter 93]

Proposed Generic Communication; Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter. A generic letter is an NRC document that (1) requests licensees to submit analyses or descriptions of proposed corrective actions, or both, regarding matters of safety, safeguards, or environmental significance, or (2) requests licensees to submit information to the NRC on other technical or administrative matters, or, (3) transmits information to licensees regarding approved changes to rules or regulations, the issuance of reports or evaluations of interest to the industry, or changes to NRC administrative procedures. This draft generic letter provides guidance to nuclear power plant licensees on allowable changes to the technical specifications. These changes would remove the administrative control requirements for emergency and security plans that are adequately addressed by other existing regulatory requirements. The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading. This proposed generic letter and supporting documentation were discussed in meeting number 232 of the Committee to Review Generic Requirements (CRGR). The relevant information that was sent to the CRGR to support their review of the proposed generic letter is available in the Public Document Rooms under accession number 9303230275. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The NRC's final evaluation will include a review of the technical position and, when appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued by the NRC, it will become available for public inspection in the Public Document Rooms.

DATES: The comment period expires on May 3, 1993. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules and Directives Review Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 am to

4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Dunning, AC (301) 504–1189.

SUPPLEMENTARY INFORMATION: Draft Generic Letter.

Dated at Rockville, Maryland, this 25 day of March 1992.

For the Nuclear Regulatory Commission.

Gail H. Marcus,

Chief, Generic Communications Branch, Division of Operating Reactor Support, Office of Nuclear Reactor Regulation.

To: All Holders of Operating licenses for Nuclear Power Reactors.

Subject: Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans (Generic Letter 93)

The U.S. Nuclear Regulatory Commission (NRC) is issuing this guidance for changes to technical specifications (TS) to (1) remove the audit of the emergency and security plans and implementing procedures from the list of responsibilities of the company nuclear audit and review group and (2) remove the review of the emergency and security plans from the list of responsibilities of the unit review group. Parts 50 and 73 of title 10 to the Code of Federal Regulations (10 CFR) include provisions that are sufficient to address these requirements (See Enclosure 1). Also this guidance will allow licensees to (3) relocate the requirements for the unit review group to review procedures, and procedure changes, for the implementation of the emergency and security plans. The NRC developed this line-item TS improvement in response to a proposal by the Duke Power Company to amend the operating licenses of its plants.

Enclosure 2 contains sample technical specification requirements that have been marked to show the requirements that may be removed. Licensees should retain these audit and review activities in a manner that fully satisfies the regulatory requirements that are summarized in Enclosure 1. Although the TS change removes requirements that are specific with regard to providing a plant operations perspective in the review and audit of emergency and security plans and implementing procedures, the NRC staff is not suggesting that licensees remove or reduce this perspective when satisfying the regulatory requirements for these activities.

Licensees that plan to adopt this line-item TS improvement are encouraged to propose TS changes consistent with the enclosed guidance. NRC project managers will review the amendment requests to verify that they conform to the guidance. Please contact your project manager or the contact indicated herein if you have questions on this matter.

Any action by licensees to propose technical specification changes in accordance with the guidance of this generic letter is voluntary and, therefore, not a backfit under 10 CFR 50.109.

A Summary of Regulatory Requirements for Emergency and Security Plans in Title 10 to the Code of Federal Regulations [1]

Emergency Plan

Section 50.54(q) includes the following statement: A licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in § 50.47(b) and the requirements in appendix E of this part.

Section V, "Implementing Procedures," of appendix E to part 50 includes the following statement: No less than 180 days prior to the scheduled issuance of an operating license for a nuclear power reactor or a license to possess nuclear material the applicant's detailed implementing procedures for its emergency plan shall be submitted to the Commission as specified in § 50.4. Licensees who are authorized to operate a nuclear power facility shall submit any changes to the emergency plan or procedures to the Commission, as specified in § 50.4, within 30 days of such changes.

Section 50.54(t) includes the following statement: A nuclear power reactor licensee shall provide for the development, revision, implementation, and maintenance of its emergency preparedness program. To this end, the licensee shall provide for a review of its emergency preparedness program at least every 12 months by persons who have no direct responsibility for implementation of the emergency preparedness program. The review shall include an evaluation for adequacy of interfaces with State and local governments and of licensee drills, exercises, capabilities, and procedures. The results of the review, along with recommendations for improvements, shall be documented, reported to the licensee's corporate and plant management, and retained for a period of five years.

[1] For the official text of the requirements excerpted in this summary, see 10 CFR parts 50 and 73.

Security Plan

Section 50.54(p)(1) includes the following statement: The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with appendix C of part 73 of this chapter for effecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan.

Section 50.54(p)(3) includes the following statement: The licensee shall provide for the development, revision, implementation and maintenance (sic) of its safeguards contingency plan. To this end, the licensee shall provide for a review at least every 12 months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review must include a review and audit of safeguards contingency procedures and practices * * * The results of the review and audit, along with recommendations for improvements, must be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of two years.

Section 73.40(a) includes the following statement: Each licensee shall provide physical protection against radiological sabotage and against theft of special nuclear material at fixed sites where licensed activities are conducted.

Section 73.40(b) includes the following statement: Each licensee * * * shall prepare a safeguards contingency plan in accordance with the criteria set forth in appendix C of this part. The licensee shall retain the current plan as a record until the Commission terminates the license for which the plan was developed and, if any portion of the plan is superseded, retain the superseded material for three years after each change. The plan becomes effective and must be followed by the licensee 30 days after approval by the Commission.

Section 73.40(c) includes the following statement: Prior to the plan becoming effective, the licensee shall have:

Section 73.40(c)(2) includes the following statement: Detailed procedures developed according to appendix C to this part available at the licensee's site. The licensee shall retain a copy of the current procedures as a record until the Commission terminates the license for which the procedures were developed and, if any portion of the procedures is superseded, retain the

superseded material for three years after each change.

Section 73.40(d) includes the following statement: The licensee shall provide for the implementation, revision, and maintenance of this safeguards contingency plan. To this end, the licensee shall provide for a review at least every twelve months of the safeguards contingency plan by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review must include a review and audit of safeguards contingency procedures and practices * * * The results of the review and audit, along with recommendations for improvements must be documented, reported to the licensee's corporate and plant management, and kept available at the plant for inspection for a period of three years from the date of the review or audit.

Section 73.55(b)(3) includes the following statement: The licensee shall have a management system to provide for the development, revision, implementation, and enforcement of security procedures. The system shall include:

Section 73.55(b)(3)(i) includes the following statement: Written security procedures that document the structure of the security organization and detail the duties of guards, watchmen, and other individuals responsible for security. The licensee shall maintain a copy of the current procedures as a record until the Commission terminates each license for which the procedures were developed and, if any portion of the procedure is superseded, retain the superseded material for three years after each change.

Section 73.55(b)(3)(ii) includes the following statement: Provisions for written approval of these procedures and any revisions to the procedures by the individual with overall responsibility for the security function. The licensee shall retain each written approval as a record for three years from the date of the approval.

Section 73.55(g)(4) includes the following statement: The security program shall be reviewed at least every 12 months by individuals independent of both security management and security supervision. The review shall include a review and audit of security procedures and practices * * *. The results of the review audit and evaluation along with recommendation for corrections and improvements, if any, shall be documented, reported to the licensee's plant management and to corporate management at least one level higher than that having responsibility for the day to day plant operation.

Section 73.56(g)(1) includes the following statement: Each licensee shall audit its access authorization program within 12 months of the effective date of implementation of this program and at least every 24 months thereafter to ensure that the requirements of this section are satisfied.

Section 73.56(g)(2) includes the following statement: Each licensee who accepts the access authorization program of a contractor or vendor as provided for by paragraph (a)(4) of this section shall have access to records and shall audit contractor or vendor programs every 12 months to ensure that the requirements of this section are satisfied.

Section 73.56(h)(2) includes the following statement: Each licensee shall retain records of results of audits, resolution of the audit findings and corrective actions for three years.

Model Technical Specifications Administrative Control Requirements for Security and Emergency Plans (Modified as shown)

The following model technical specifications are derived from the "Standard Technical Specifications for Westinghouse Pressurized Water Reactors," NUREG–0452, Revision 4a.

6.5.1 [Unit Review Group (URG)]

Responsibilities

6.5.1.1. through 6.5.1.5 (No change.)

6.5.1.6 The [URG] shall be responsible for:

a. through h. (No change.)

i. Review of the Security Plan and implementing procedures and submittal of recommended changes to the [Company Nuclear Review and Audit Group]; *Not used.*[1]

j. Review of the Emergency Plan and implementing procedures and submittal of recommended changes to the [Company Nuclear Review and Audit Group]; *Not used.*

k. and l. (No change.)

6.5.2 [Company Nuclear Review and Audit Group (CNRAG)]

6.5.2.1 through 6.5.2.7 (No change.)

Audits

6.5.2.8 Audits of unit activities shall be performed under the cognizance of the [CNRAG]. These audits shall encompass.

a. through d. (No change.)

e. The Security Plan and implementing procedures at least once per 24 months. *Not used.*

f. The Emergency Plan and implementing procedures at least once per 24 months. *Not used.*

g. through j. (No change.)

6.8 Procedures and Programs

6.8.1 Written procedures shall be established, implemented, and maintained covering the activities referenced below:

a. and b. (No change.)

c. Security Plan implementation. *Not used.*

d. Emergency Plan implementation. *Not used.*

e. through g. (No change.)

6.8.2 Each procedure of Specification 6.8.1, and change thereto, shall be reviewed by the [URG] and shall be approved by the [Plant Superintendent] prior to implementation and reviewed periodically as set forth in administrative procedures. (No change.)

The requirements of Specifications 6.5.1.6 for items i and j, 6.8.1 for items c and d, and the provisions of Specification 6.8.2 are to be relocated to the security and emergency plans as applicable.

[FR Doc. 93–7395 Filed 3–31–93; 8:45 am]

BILLING CODE 7590–01–M

[1] Deleted sections are noted as "Not used" to avoid renumbering sections.

Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 14, 1993, room P–422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that will be closed to discuss the qualifications of candidates nominated for appointment to the ACRS. This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552(c)(6). The purpose of this meeting will be to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

The agenda for the subject meeting shall be as follows: Wednesday, April 14, 1993—3 p.m. until 5:30 p.m.

The Subcommittee will discuss proposed ACRS activities, practices and procedures for conduct of Committee business, and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Dr. John T. Larkins (telephone 301/492–8158) between 7:30 a.m. and 4:15 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 25, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–7478 Filed 3–31–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–277 and 50–278]

Philadelphia Electric Co., et al.; Withdrawal of Application for Amendment to Facility Operating License

In the matter of: Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company.

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Philadelphia Electric Company (PECo, the licensee) to withdraw its October 5, 1992, application for proposed amendment to Facility Operating License Nos. DPR–44 and DPR–56 for the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, located in York County, Pennsylvania.

The proposed amendment would have revised the Tables 3.7.1 and 3.7.4. of the Technical Specifications (TS) to include the new 16" butterfly valve on the hardened torus vent line, valve AO–8(9)0290.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on October 28, 1992 (57 FR 48824). However, by letter dated December 17, 1992, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated October 5, 1992, and the licensee's letter dated December 17, 1992, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Government Publications Section, State Library of Pennsylvania, (Regional Depository) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland this 11th day of February, 1993.

For the Nuclear Regulatory Commission.

Joseph W. Shea,

Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–7519 Filed 3–31–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–277 and 50–278]

Philadelphia Electric Co., et al.; Withdrawal of Application for Amendment to Facility Operating License

In the matter of: Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company.

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Philadelphia Electric Company (PECo, the licensee) to withdraw its February 26, 1990, application for proposed amendment to Facility Operating License Nos. DPR–44 and DPR–56 for the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed amendment would have revised section 6.4 of the Technical Specifications such that PECo would commit to standards set forth in ANSI/ANS–3.1–1981 entitled, "Selection, Qualification and Training of Personnel for Nuclear Power Plants."

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on May 15, 1991, (56 FR 22474). However, by letter dated March 1, 1993, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated February 26, 1990, and the licensee's letter dated March 1, 1993, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Government Publications Section, State Library of Pennsylvania, (Regional Depository), Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland this 9th day of March, 1993.

For the Nuclear Regulatory Commission.

Joseph W. Shea,

Project Manager, Project Directorate I–2, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–7520 Filed 3–31–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–259, 50–260, and 50–296]

Tennessee Valley Authority; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 issued to the Tennessee Valley Authority (the licensee) for operation of the Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3 located in Limestone County, Alabama.

The proposed changes consist of administrative changes to the Technical Specifications for the BFN, Units 1, 2, and 3. The changes include deletion of requirements applicable only to BFN Unit 2 Cycle 6 operation, various administrative error corrections, correction of discrepancies between the Technical Specification Bases and the BFN Final Safety Analysis Report, and clarification of certain requirements to ensure consistency in application.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the

facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed changes are administrative in nature. They are being made to delete Unit 2 Cycle 6 only requirement, to correct administrative errors in previous technical specifications, and to correct discrepancies between technical specification bases and the BFN FSAR. They also include the clarification of some requirements to ensure consistent application throughout the specifications. These changes do not affect any of the design basis accidents. They do not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes are administrative in nature. They are being made to delete a Unit 2 Cycle 6 only requirement, to correct administrative errors in previous technical specifications, and to correct discrepancies between technical specification bases and the BFN FSAR. They also include the clarification of some requirements to ensure consistent application throughout the specifications. No modifications to any plant equipment are involved. There are no effects on system interactions made by these changes. The changes will correct the technical specifications so that they are more accurate and more closely reflect actual plant condition. They do not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed changes are administrative in nature. They delete a Unit 2 Cycle 6 only requirement, correct administrative errors in previous technical specifications, and correct discrepancies between technical specification bases and the BFN FSAR. They also include the clarification of some requirements to ensure consistent application through the specifications. No safety margins are affected by these changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 3, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Athens Public Library, South Street, Athens, Alabama 35611. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to

show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Frederick J. Hebdon, petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(l)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 18, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Athens Public Library, South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland, this 26th day of March 1993.

For the Nuclear Regulatory Commission.

Victor Nerses,

Acting Director, Project Directorate II–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–7521 Filed 3–31–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority, totaling $354.0 million.

These deferrals affect Funds Appropriated to the President and the Department of Agriculture. The details of these deferrals are contained in the attached report.

William J. Clinton,

The White House, February 26, 1993.

CONTENTS OF SPECIAL MESSAGE

[In thousands of dollars]

Deferral No.	Item	Budget authority
Funds Appropriated to the President:.		
Agency for International Development:.		
D93–10	International disaster assistance, executive	63,823
D93–11	Sub-Saharan Africa disaster assistance, executive	67,188
Department of Agriculture:.		
Forest Service:.		
D93–12	Timber salvage sales	222,994
Total, deferrals		354,005

Deferral No. 93–10

Deferral of Budget Authority

Report Pursuant to Section 1013 of Public Law 93–344

Agency: Funds Appropriated to the President.

Bureau: Agency for International Development.

Appropriation title and symbol: International disaster assistance, Executive—11X1035.[1]

OMB identification code: 11–1035–0–1–151.

Grant program: Yes.

Type of account or fund: No-Year.

New budget authority (Public Law 102–319): $48,965,000.

Other budgetary resources: $26,500,000.

Total budgetary resources: $75,465,000.

Amount to be deferred:

Part of year: $63,823,161.[2]

Legal authority (in addition to Sec. 1013): Antideficiency Act.

Type of budget authority: Appropriation.

[1] This account was the subject of a similar deferral in FY 1992 (D92–2A).

[2] This deferred amount has been reduced to $56,755,055 due to subsequent releases.

Justification: The International disaster assistance account allows the President to respond to humanitarian disaster relief efforts throughout the world. Funds are deferred pending the development of country-specific plans to ensure that aid is provided in an efficient manner to those most in need. This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated program effect: None.

Outlay effect: None.

Deferral No. 93–11

Deferral of Budget Authority

Report Pursuant to Section 1013 of Public Law 93–344

Agency: Funds Appropriated to the President.

Bureau: Agency for International Development.

Appropriation title and symbol: Sub-Saharan Africa disaster assistance, Executive—11X1040.

OMB identification code: 11–1040–0–1–151.

Grant program: Yes.

Type of account or fund: No-Year.

New budget authority (Public Law 102–319): $100,000,000.

Total budgetary resources: $100,000,000.

Amount to be deferred:

Part of year: $67,187,957.[1]

Legal authority (in addition to Sec. 1013): Antideficiency Act.

Type of budget authority: Appropriation.

Justification: The Sub-Saharan Africa disaster assistance account allows the President to respond to humanitarian disaster relief efforts throughout Sub-Saharan Africa. Funds are deferred pending the development of country-specific plans to ensure that aid is provided in an efficient manner to those most in need. This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated program effect: None.

Outlay effect: None.

Deferral No. 93–12

Deferral of Budget Authority

Report Pursuant to Section 1013 of Public Law 93–344

Agency: Department of Agriculture.

Bureau: Forest Service.

Appropriation title and symbol: Timber salvage sales—12X5204.[1]

OMB identification code: 12–9922–0–2–302.

Grant program: No.

Type of account or fund: No-Year.

New budget authority (Public Law 102–154): $200,000,000.

Other budgetary resources: $222,986,152.

Total budgetary resources: $422,986,152.

Amount to be deferred:

Entire year: $222,994,486.

Legal authority (in addition to Sec. 1013): Antideficiency Act.

Type of budget authority: Appropriation.

Justification: The Timber salvage sales fund was established under the provisions of the National Forest Management Act of 1976 to enable immediate harvesting of dead and dying trees when required by market conditions or catastrophes. Purchasers of dead, damaged, insect-infested, or downed timber are required to make monetary deposits into this fund to cover the preparation costs for future salvage sales.

This salvage sale program is a part of the timber sales program and has specific timber volume targets assigned. Specific timber volume targets are assigned based on current information on salvage opportunities. The Forest Service is pursuing a program to achieve maximum salvage volumes while protecting the full range of environmental values. The sale of approximately 2.1 billion board feet of new and existing salvage timber is planned for FY 1993. Funds are deferred pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated program effect: None.

Outlay effect: None.

[FR Doc. 93–7625 Filed 3–31–93; 8:45 am]

BILLING CODE 3110–01–F

[1] This deferred amount has been reduced to $53,187,957 due to subsequent releases.

[1] This account was the subject of a similar deferral in FY 1992 (D92–11).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Modification of Sanctions With Respect to the European Community Pursuant to Title VII of the Omnibus Trade and Competitiveness Act of 1988

AGENCY: Office of the United States Trade Representative.

ACTION: Postponement of implementation of prohibition of awards of contracts by federal agencies for products and services from Member States of the European Community until April 22, 1993.

SUMMARY: On March 29, 1993, the United States Trade Representative announced that the effective date of the prohibitions of awards of contracts by federal agencies for products and services of some or all member states of the European Community, scheduled to go into effect on April 1, 1993, was being postponed until April 22, 1993.

FOR FURTHER INFORMATION CONTACT: Mark Linscott, Office of GATT Affairs (202–395–3063), or Laura B. Sherman, Office of the General Counsel (202–395–7203), Office of the United States Trade Representative, 600 Seventeenth Street NW., Washington, DC 20506.

Ira Shapiro,

General Counsel.

[FR Doc. 93–7731 Filed 3–31–93; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF STATE

[Public Notice No. 1784]

The Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Advisory Committee on International Communications and Information Policy will hold an open meeting on April 30, 1993, from 9:30 a.m. to 12:30 p.m. in room 1105, Department of State, 2201 C Street, NW., Washington DC.

The Advisory Committee deals with issues of international communications and information policy, especially as the issues involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, and the activities of international organizations with regard to the development of communications and information policy.

This meeting will deal with one issue:

1. A discussion of potential private sector support and activities should be the United States Government decide to host the Plenipotentiary Conference of the International Telecommunication Union in 1998.

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. In that regard, entrance to the Department of State building is controlled and individual building passes are required for each attendee. Arrangements must be made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise Ms. Rebecca Boothby, Department of State, Washington DC.; telephone 202–647–5220, by providing their name, title, company name, social security number and date of birth. All

attendees must use the C Street entrance to the building.

Dated: March 19, 1993.

Bohdan Bulawka,

Executive Secretary, Advisory Committee on International Communications and Information Policy.

[FR Doc. 93–7472 Filed 3–31–93; 8:45 am]

BILLING CODE 4710–45–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–93–16]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 21, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanne Trapani, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7624.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 24, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 27061.
Petitioner: Alaska Air Carriers Association.
Sections of the FAR Affected: 14 CFR 135.181(c)(2).
Description of Relief Sought: To allow limited passenger carrying operations using single engine airplanes in IFR conditions for members of Alaska Air Carriers Association.

Dispositions of Petitions

Docket No.: 22558.
Petitioner: Boeing Commercial Airplane Company.
Sections of the FAR Affected: 14 CFR 47.69(b).
Description of Relief Sought/ Disposition: To extend the termination date of Exemption No. 3513, which expires May 1, 1993, and which allows flight testing and sales demonstrations outside the United States with Boeing Commercial Airplane Company's Dealer's Aircraft Registration Certificates and Temporary Registration Numbers, subject to certain conditions and limitations.

GRANT, March 4, 1993, Exemption No. 3515I

Docket No.: 26440.
Petitioner: Falcon Jet Corporation.
Sections of the FAR Affected: 14 CFR 47.65, 47.69(b).
Description of Relief Sought/ Disposition: To extend the termination date of Exemption No. 5315, which expires May 30, 1993, and which allows Falcon Jet Corporation to obtain a Dealer's Aircraft Registration Certificate without meeting citizenship requirements, and which allows the use of Dealer's Aircraft Registration Certificates outside the United States in connection with ferry flights of "green" Falcon aircraft from France, and for demonstrating, testing, selling, and marketing its aircraft, subject to certain conditions and limitations.

GRANT, March 4, 1993, Exemption No. 5315A

Docket No.: 26490.
Petitioner: Delta Air Lines, Inc.
Sections of the FAR Affected: 14 CFR 121.310(m).
Description of Relief Sought/ Disposition: To extend the termination date of Exemption No. 5301, which expires March 31, 1993, and which allows Delta Air Lines, Inc. to operate L–1011–385–3 airplanes without conforming to the 60-foot required distance between emergency exits.

GRANT, March 4, 1993, Exemption No. 5301A

Docket No.: 27037.
Petitioner: Randy H. Avery.
Sections of the FAR Affected: 14 CFR 65.91(c)(2).
Description of Relief Sought/ Disposition: To enable Mr. Avery to become eligible for an Inspection Authorization (IA) without meeting the eligibility requirements outlines in the FAR.

DENIAL, March 18, 1993, Exemption No. 5618

Docket No.: 27094.
Petitioner: Air Transport Association of America.
Sections of the FAR Affected: 14 CFR 121.343(e).
Description of Relief Sought/ Disposition: To extend the termination date of Exemption No. 5350, which expires April 11, 1993, and which allows member airlines of the Air Transport Association of America and similarly situated nonmember airlines to continue to operate airplanes that are not equipped with approved flight recorders that use a digital method of recording and storing data and that provide a method of readily retrieving data from the storage medium, while those aircraft are retrofitted with this equipment.

GRANT, March 18, 1993, Exemption No. 5350B

[FR Doc. 93–7594 Filed 3–31–93; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Kane County, 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 will be prepared for a proposal to impose east-west access across the Fox River in Kane County, Illinois.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Partlow, Design Operations Engineer, Federal Highway

Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Telephone: (217) 492–4622.

Mr. Duane Carlson, District Engineer, Illinois Department of Transportation, District One, 201 West Center Court, Schaumburg, Illinois 60196–1096, Telephone: (708) 705–4000.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation, the Kane County Division of Transportation and the City of Elgin will prepare an Environmental Impact Statement (EIS) on a proposal to improve east-west access across the Fox River from Illinois Route 47 in Yorkville, Kendall County to Illinois Route 62 in Algonquin, McHenry County. In April of 1991, the Kane County Policy Advisory Committee, a group composed of mayors and township supervisors with jurisdiction fronting the Fox River, in conjunction with the Chicago Area Transportation Study (CATS) concluded the Fox River Traffic Study. This Study was a strategic planning effort which evaluated a myriad of bridge proposals made for the Fox River over the previous ten years. As a result of this effort, seven new bridge crossings are currently being advanced and will be developed as major east-west corridor improvements. The tentative locations of the seven new corridors are as follows:

- Orchard Road, west of Oswego in Kendall County
- Sullivan Road in Aurora
- Mooseheart Road, south of Mooseheart
- Red Gate Road, south of Fox River Estates
- Chicago Central and Pacific Railroad, south of South Elgin
- Big Timber-Dundee Road (North End Bridge) in Elgin
- Lake Marian-Miller Road in Carpentersville

Three of the seven crossings were previously advanced. The Record of Decision for the North End Bridge EIS (FHWA–IL–EIS–82–02–F) was made on May 18, 1984. The reevaluation of this North End Bridge EIS will be a part of the subject EIS. Environmental studies and documentation for the Orchard Road and Sullivan Roads crossings were previously initiated and will be processed separately.

The overall purpose and need, selection of alternative corridors and secondary and cumulative impacts, will be based primarily on conclusions reached during the Fox River Bridge Traffic Study. The affected environment and environmental consequences will concentrate on the development of up to five new east-west corridors.

Improvements to the east-west access across the Fox River are considered necessary to meet the needs of immediate and long-range planning goals of this rapidly growing area. Alternatives under consideration include (1) taking no action; (2) using alternative travel modes; and (3) the development of up to five new east-west corridors across the Fox River (Build Alternative). Incorporated into and studied with the various corridor alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public informational meetings will be held in southern, central and northern Kane County between May and June 1993. In addition, public hearings will be held. The draft EIS will be available for public and agency review and comment prior to the public hearing. A formal scoping meeting and field review will be scheduled with appropriate agencies.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: March 24, 1993.

Lyle P. Renz,

Division Administrator, Federal Highway Administration, Illinois Division, Springfield, Illinois.

[FR Doc. 93–7563 Filed 3–31–93; 8:45 am]

BILLING CODE 4910–22–M

Intelligent Vehicle-Highway Society of America; Public Meetings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meetings; change of location.

SUMMARY: The March 1, 1993, **Federal Register** (58 FR 11885) announced meetings of the Intelligent Vehicle—Highway Society of America's (IVHS AMERICA) Coordinating Council and Board of Directors. The location of the Board of Directors meeting has been changed.

DATES: The Coordinating Council of IVHS AMERICA will meet on April 14, from 8 a.m. to 12 noon, e.t. The Board of Directors will meet on April 16, 1993, from 8:30 a.m. to 12 noon, e.t.

ADDRESSES: The address for the Coordinating Council remains the Sheraton Washington Hotel, 2660 Woodley Ave., NW., Washington, DC 20008. The Board of Directors meeting will be held at the Omni Shoreham Hotel, 2500 Calvert Street, Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Mr. Lyle Saxton, FHWA, HSR–1, 6300 Georgetown Pike, McLean, VA 22101, (703) 285–2021, office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except for legal holidays; or Mr. Daniel Toohey, IVHS AMERICA, 1776 Massachusetts Avenue, NW., Washington, DC 20036, (202) 857–1202.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: March 26, 1993.

E. Dean Carlson,

Executive Director.

[FR Doc. 93–7593 Filed 3–31–93; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

International Harmonization of Safety Standards; Calendar of Meetings

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of meetings.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) will continue its participation during this year in the international meetings to harmonize U.S. and foreign motor vehicle safety standards. These meetings will be conducted by the Working Party on the Construction of Vehicles (WP29) under the Principal Working Party on Road Transport of the United Nations' Economic Commission for Europe (ECE), and by the six Meetings of Experts (formerly called Groups of Rapporteurs) of WP29. The NHTSA currently represents the United States in all of the Meetings of Experts except those on Pollution and on Noise.

DATES: For a list of scheduled meetings, see the Supplementary Information section of this Notice. Inquiries or comments related to specific meetings should be made at least two weeks preceding that meeting.

FOR FURTHER INFORMATION CONTACT: Francis J. Turpin, Office of International Harmonization (NOA–05), National

Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–2114).

SUPPLEMENTARY INFORMATION: This calendar consists of those ECE meetings currently scheduled. It is published for information and planning purposes and the meeting dates and places are subject to change. NHTSA attendance at these meetings will be affected by agenda content, priorities and availability of travel funds.

March 29–31, 1993

Meeting of Experts on Lighting and Light-Signalling (GRE), Thirtieth Session—Geneva, Switzerland.

April 5–8, 1993

Meeting of Experts on General Safety Provisions (GRSG), Sixty-Fourth Session—Geneva, Switzerland.

May 17–19, 1993

Meeting of Experts on Noise (GRB), Twentieth Session—Geneva, Switzerland.

June 1–4, 1993

Meeting of Experts on Passive Safety (GRSP), Thirteenth Session—Geneva, Switzerland.

June 21, 1993

Administrative Committee for the Coordination of Work of WP29 (AC.2), Fifty-Second Session—Geneva, Switzerland.

June 22–25, 1993

Working Party on the Construction of Vehicles (WP–29), Hundredth Session—Geneva, Switzerland.

July 5–7, 1993

Meeting of Experts on Pollution and Energy (GRPE), Twenty-Sixth Session—Geneva, Switzerland.

August 30–31, 1993

Meeting of Experts on Noise (GRB), Twenty-First Session—Geneva, Switzerland.

September 1–3, 1993

Meeting of Experts on Brakes and Running Gear (GRRF), Thirty-Third Session—Geneva, Switzerland.

October 11, 1993

Administrative Committee for the Coordination of Work of WP29(AC.2), Fifty-Third Session—Geneva, Switzerland.

October 12–15, 1993

Working Party on the Construction of Vehicles (WP–29), Hundred and First Session—Geneva, Switzerland.

October 25–27, 1993

Meeting of Experts on General Safety Provisions (GRSG), Sixty-Fifth Session—Geneva, Switzerland.

November 15–18, 1993

Meeting of Experts on Lighting and Light-Signalling (GRE), Thirty-First Session—Geneva, Switzerland.

November 29—December 1, 1993

Meeting of Experts on Passive Safety (GRSP), Fourteenth Session—Geneva, Switzerland.

The following meetings took place earlier this year.

January 18–20, 1993

Meeting of Experts on Pollution and Energy (GRPE), Twenty-Fifth Session—Geneva, Switzerland.

February 8–11, 1993

Meeting of Experts on Brakes and Running Gear (GRRF), Thirty-Second Session—Geneva, Switzerland.

March 8, 1993

Administrative Committee for the Coordination of Work of WP29 (AC.2), Fifty-First Session—Geneva, Switzerland.

March 9–12, 1993

Working Party on the Construction of Vehicles (WP–29), Ninety-Ninth Session—Geneva, Switzerland.

Issued on March 29, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–7592 Filed 3–31–93; 8:45 am]

BILLING CODE 4910–50–M

DEPARTMENT OF THE TREASURY

Senior Executive Service; Combined Performance Review Board (PRB)

AGENCY: Treasury Department.

ACTION: Notice of members of Combined PRB.

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Combined PRB for the Bureau of Engraving and Printing, the Financial Management Service, the U.S. Mint, the Bureau of the Public Debt, and the U.S. Savings Bonds Division. The Board reviews the performance appraisals of career senior executives below the level of bureau head and principal deputy in the five bureaus, except for executives below the Assistant Commissioner level in the Financial Management Service. The Board makes recommendations regarding ratings, bonuses, and other personnel actions. Three voting members constitute a quorum. The names and titles of the Combined PRB members are as follows:

Primary Members

Timothy G. Vigotsky, Assistant Director (Management), E&P
Bland T. Brockenborough, Assistant Commissioner, Management, FMS
Andrew Cosgarea, Jr., Associate Director for Operations, Mint
Michael D. Pecovish, Assistant Commissioner, Public Debt Accounting, PD
Richard J. Schneebeli, Deputy Executive Director for Marketing and Sales, SBD

Alternate Members

Carl V. D'Alessandro, Associate Director (Chief Operating Officer), E&P
Diane E. Clark, Assistant Commissioner, Financial Information, FMS
Robert Jenkins, Director, Office of Automated Information Systems, Mint
Eleanor J. Holsopple, Assistant Commissioner, Securities and Accounting Services, PD

DATES: Membeship is effective on April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Michael D. Pecovish, Assistant Commissioner, Public Debt Accounting, Bureau of the Public Debt, 999 E St., NW., Washington, DC 20239; telephone (202) 874–4060 or (202) 874–7399 TDD. This notice does not meet the Department's criteria for significant regulations.

Dated: March 25, 1993.

Michael D. Pecovish,

Assistant Commissioner, Public Debt Accounting, Bureau of the Public Debt.

[FR Doc. 93–7569 Filed 3–31–93; 8:45 am]

BILLING CODE 4810–40–M

Internal Revenue Service

Nonconventional Source Fuel Credit; Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 1992

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of inflation adjustment factor, nonconventional source fuel credit, and reference price for calendar year 1992 as required by section 29 of the Internal Revenue Code (26 U.S.C. section 29).

SUMMARY: The inflation adjustment factor, nonconventional source fuel credit, and reference price are used in determining the availability of the tax credit for production of fuel from nonconventional sources under section 29 of the Internal Revenue Code.

DATES: The 1992 inflation adjustment factor, nonconventional source fuel credit, and reference price apply to qualified fuels sold during calendar year 1992.

INFLATION FACTOR: The inflation adjustment factor for calendar year 1992 is 1.8430.

CREDIT: The nonconventional source fuel credit for calendar year 1992 is $5.53 per barrel-of-oil equivalent of qualified fuels.

PRICE: The reference price for calendar year 1992 is $15.98.

Because the above reference price does not exceed $23.50 multiplied by the inflation adjustment factor, the phaseout of credit provided for in section 29(b)(1) of the Internal Revenue Code does not occur for any qualified fuel based on the above reference price.

FOR FURTHER INFORMATION CONTACT:

For the inflation factor and credit—Thomas Thompson, PR:R, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, DC 20224, Telephone Number (202) 874–0585 (not a toll-free number).

For the reference price—David McMunn, CC:P&SI:6, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, DC 20224, Telephone Number (202) 622–3110 (not a toll-free number).

Marlene Gross

Acting Associate Chief Counsel, (Domestic).

[FR Doc. 93–7608 Filed 3–31–93; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

Hearing

AGENCY: United States Commission on Improving the Effectiveness of the United Nations.

ACTION: Notice: public hearing.

SUMMARY: The purpose of this hearing is to obtain information on the subject of United Nations reform and U.S. policy toward the United Nations, and to conduct other Commission business. The hearing will be open to the public.

DATES: Chicago, Illinois, April 16, 1993, 9:15 a.m. to 5 p.m.

ADDRESSES: The hearing will be held in room 1200 of the John Marshall Law School, 315 South Plymouth Court, Chicago, IL.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Leary, Administrative Officer, 1825 Connecticut Avenue, suite 1011, Washington, DC 20009; telephone: (202) 673–5012; telefax: (202) 673–5007.

Experts or representatives of interested groups wishing to present testimony should contact the Administrative Officer and submit a summary of their presentation by April 9.

Citizens interested in testifying at the Chicago hearing may sign up at room 1200 of the John Marshall Law School between 9:30 a.m. and 11 a.m. on the date of the hearing and will be selected to testify on a first-come, first-served basis. Testimony will be heard after 3:30 p.m. Citizen witnesses are required to limit their statements to one minute. All witnesses may submit additional material for the record.

The U.S. Commission on Improving the Effectiveness of the United Nations was established by Public Law 100–204, 101 Stat. 1934 (22 U.S.C. 287 note). The Commission is charged with preparing and submitting to the President and Congress a report containing a detailed statement of its findings, conclusions and recommendations regarding reform of the United Nations system and the role of the United States in the United Nations system. The Commission is bipartisan and is privately funded.

The Commission members are: Representative James A. Leach and Charles M. Lichenstein, Co-Chairs; Thomas F. Eagleton, Edward F. Feighan, Edwin J. Feulner, Jr., Walter Hoffmann, Alan L. Keyes, Jeane J. Kirkpatrick, Peter M. Leslie, Gary E. MacDougal, Father Richard John Neuhaus, Senator Claiborne Pell, Senator Larry Pressler, Jerome J. Shestack, Harris O. Schoenberg, and Jose S. Sorzano.

Dated: March 26, 1993.

Gregory Wierzynski,

Executive Director.

[FR Doc. 93–7415 Filed 3–31–93; 8:45 am]

BILLING CODE 6820–BB–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Readjustment of Vietnam and Other War Veterans; Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Readjustment of Vietnam and Other War Veterans will be held April 15 and 16, 1993. This is a regularly scheduled meeting for the purpose of reviewing VA and other relevant services for Vietnam and other war veterans, to review Committee work in progress and to formulate Committee recommendations and objectives. The meeting will be held at the American Legion, Washington Office, 1608 K Street, NW., Washington, DC. The meetings on April 15 and 16 will both begin at 8:30 a.m. and conclude at 4:30 p.m. The agenda for April 15 will consist of presentation and discussion of VA services and activities regarding women veterans experiencing psychological difficulties related to exposure to traumatic sexual abuse and/or assault while in the military. The first day's agenda will also cover a discussion of Native-American war veteran issues and a review of VA's initiative to El Salvador to assist local officials and service providers in development of post-war readjustment services. On April 16 the Committee will review issues and findings regarding VA coordination of care for war veterans with PTSD among all relevant VA services and programs. The second day's agenda will also consist of a review and discussion of pending legislation of importance for the readjustment of war veterans and discussion of the potential need for readjustment counseling among military personnel serving in United Nations peace keeping operations.

Both day's meetings will be open to the public up to the seating capacity of the room. Due to limited seating capacity of the room, those who plan to attend or who have questions concerning the meeting should contact Arthur S. Blank, Jr., M.D., Director, Readjustment Counseling Service, Department of Veterans Affairs (phone number: 202–535–7554).

Dated: March 19, 1993.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 93–7572 Filed 3–31–93; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 61
Thursday, April 1, 1993

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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, April 13, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 93–7674 Filed 3–30–93; 10:51 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 12984.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, April 6, 1993.

CHANGES IN THE MEETING: The Commodity Futures Trading Commission has postponed the discussion regarding Exemption for Certain Contracts Involving Energy Products, final order, until Tuesday, April 13, 1993 at 10 a.m.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 93–7675 Filed 3–30–93; 10:52 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, April 27, 1993.

PLACE: 2033 K St., NW., Washington, DC, Lower Lobby Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Recordkeeping Requirements, final rule 1.31 on optical storage systems and electronic filing
—Final regulation on Contract Market Emergency Actions
—Proposed amendments to Rule 1.35 regarding allocation procedures for certain orders
—Quarterly Review/Second Quarter, FY 1993

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 93–7778 Filed 3–30–93; 4:00 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, April 27, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Objectives.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 93–7779 Filed 3–30–93; 4:00 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Tuesday, April 27, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 93–7780 Filed 3–30–93; 4:00 pm]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, March 31, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Baby Walkers, Petition HP 92–2.

The staff will brief the Commission on petition HP 92–2 from the Consumer Federation of America, the American Academy of Pediatrics, the Washington Chapter of the American Academy of Pediatrics, the National SAFE KIDS Campaign, and Consumers Union requesting a ban of baby walkers as a mechanical hazard under the Federal Hazardous Substances Act.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Dated: March 25, 1993.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 93–7639 Filed 3–29–93; 4:42 pm]

BILLING CODE 6355–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, April 7, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 30, 1993.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 93–7736 Filed 3–30–93; 2:33 pm]

BILLING CODE 6210–01–M

INTER-AMERICAN FOUNDATION BOARD MEETING

TIME AND DATE: April 12, 1993, 10:00 a.m.–12:00 p.m.

PLACE: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the Minutes of the October 26, 1992, Board Meeting.
2. The Chairman's Report.
3. The President's Report.
4. The Audit Committee Report.
5. Impact and Results of Grants.
6. Administrative Expenses.
7. Aid Strategy for Latin America.

CONTACT PERSON FOR MORE INFORMATION: Adolfo A. Franco, Secretary to the Board of Directors, (703) 841–3894.

Dated: March 29, 1993.

Adolfo A. Franco,

Sunshine Act Officer.

[FR Doc. 93–7714 Filed 3–30–93; 2:15 pm

BILLING CODE 7025–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Tuesday, April 6, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Tuesday, April 6

10:00 a.m.

Briefing by IIT on Unauthorized Forced Entry into the Protected Area at TMI–1 (Public Meeting)

(Contact: Sam Collins, 817–860–8183)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Commission Vote on Authorization of Full Power License for Comanche Peak (Unit 2)

(Contact: Suzanne Black, 301–504–1318) (Tentative)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill, (301) 504–1661.

Dated: March 30, 1993.

William M. Hill, Jr.,

SECY Tracking Officer,

Office of the Secretary.

[FR Doc. 93–7688 Filed 3–30–93; 12:08 pm]

BILLING CODE 7590–01–M

U.S. RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on April 8, 1993, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

PORTION OPEN TO THE PUBLIC

(1) Travel Policy.
(2) Migration Task Force Report.
(3) *Nancy Johnson* v. *U.S. Railroad Retirement Bard.*
(4) Pre-Recovery Waiver.
(5) Debt Prevention.
(6) Debt Collection.
(7) Opening Notice of Litigation and Recommendation for Remand in Light of *Viers* v. *U.S. Railroad Retirement Board,* James H. Buchanan, R.R.B. No. A–223–46–6566.
(8) Regulations—Part 203, Employees Under the Act.
(9) Regulations—Part 228, Computation of Survivor Annuities.
(10) Regulations—Part 230, Reduction and Non-Payment of Annuities by Reason of Work.
(11) Regulations—Parts 202 and 301, Employers Under the Railroad Retirement Act and Railroad Unemployment Insurance Act.
(12) Regulations—Part 328, Voluntary Leaving of Work.
(13) Regulations—Part 336, Duration of Normal and Extended Benefits.
(14) Regulations—Part 345, Contribution and Contribution Reports.

Portion Closed to the Public

(A) 1993 Performance Appraisal Plans.

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312–751-4920, FTS No. 386–4920.

Dated: March 29, 1993.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 93–7716 Filed 3–30–93; 2:34 pm]

BILLING CODE 7905–01–M

federal register

Thursday
April 1, 1993

Part II

Department of Education

34 CFR Part 377

Demonstration Projects To Increase Client Choice Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 377

RIN 1820–AB23

Demonstration Projects To Increase Client Choice Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations to implement the Demonstration Projects to Increase Client Choice Program (program) authorized in the recently enacted Rehabilitation Act Amendments of 1992. The program would provide grants to States and public and nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the choice of providers of vocational rehabilitation services. The proposed regulations would incorporate statutory requirements and provide rules for applying for and spending Federal funds provided under this program.

DATES: Comments must be received on or before May 3, 1993.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Commissioner, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Room 3028, Mary E. Switzer Building, Washington, DC 20202–2899.

A copy of any comments that concern information collection requirements also should be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Ann Queen, U.S. Department of Education, 400 Maryland Avenue SW., room 3038, Mary E. Switzer Building, Washington, DC 20202–2575. Telephone: (202) 205–8292. Individuals who are hearing impaired or others who use a TDD may call (202) 205–5896 for TDD services.

SUPPLEMENTARY INFORMATION: These proposed regulations would implement the Demonstration Projects to Increase Client Choice Program authorized in title VIII, section 802(g) of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992 (Pub. L. 102–569, enacted October 29, 1992) (the Act). The purpose of the program is to provide financial assistance to States and public and nonprofit agencies and organizations to stimulate creative efforts to increase client choice in the rehabilitation process, including choice in selecting vocational goals and objectives, services to achieve those objectives, and providers of services, thereby improving the quality of the rehabilitation process.

The program is an important step forward in achieving the National Education Goals. Specifically, the program addresses Goal Five, which calls for every adult American to be literate and to possess the skills necessary to compete in a global economy, by providing improved vocational rehabilitation opportunities for an increased number of people with disabilities.

Summary of Major Statutory Provisions

The following is a summary of the major statutory provisions authorizing the Demonstration Projects to Increase Client Choice Program.

- Section 802(g)(1) of the Act provides that States and public and nonprofit agencies and organizations are eligible for grants to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including choice in the providers of services. The proposed regulations address this provision in §§ 377.1 and 377.2.
- Section 802(g)(2)(A) provides that the grants may be used only for activities directly related to planning, operating, and evaluating the demonstration projects. The proposed regulations address this provision in § 377.3.
- Section 802(g)(2)(B) provides that grants must be used to supplement, not supplant, other Federal and non-Federal funds that are being used to provide increased choice in the rehabilitation process. The proposed regulations address this requirement in § 377.11(b).
- Section 802(g)(3)(A) requires applicants to describe how they will determine the cost of any product or service offered to an eligible client and how they will ensure that services are provided by qualified providers who are accredited or meet other quality assurance or cost-control criteria established by the State. The proposed regulations address these requirements in § 377.11.
- Section 802(g)(3)(B) requires applicants to assure that a written plan, including a client's vocational rehabilitation goals, the services to be provided, and an evaluation procedure and schedule for determining whether the goals are being achieved, is established with the full participation of the client. The proposed regulations address these provisions in § 377.11.
- Section 802(g)(4) requires the Commissioner to take into consideration the diversity of strategies used to increase choice, diversity of clients served, and geographic distribution of projects in selecting recipients of grants. The proposed regulations address this requirement in § 377.22.
- Section 802(g)(5) requires grantees to maintain records and provide information as requested by the Commissioner, and section 802(g)(7) requires the Commissioner to conduct an evaluation of the demonstration projects with respect to services provided, clients served, client outcomes obtained, implementation issues addressed, the cost effectiveness of the project, and the effects of increased choice on clients and service providers. The proposed regulations address these requirements in § 377.30.
- Section 20 of the Act requires programs that provide services to individuals with disabilities to advise the individuals, their families, or other authorized representatives of the availability and purposes of the Client Assistance Program. This provision is addressed in the proposed § 377.31.
- Section 21(b)(5) of the Act authorizes the Secretary to require applicants for financial assistance under the Act, if appropriate, to demonstrate how they will address the needs of individuals with disabilities from minority backgrounds. The proposed regulations address this provision in § 377.11(a)(7).

Summary of Major Regulatory Provisions

The following is a summary of the major provisions of the proposed regulations that interpret statutory text or provide rules and procedures for the operation of the program that were not included in the statutory text.

- Section 377.3 would clarify that grants provided under this program must be used for projects that demonstrate effective ways to increase the choices available to eligible clients in the selection of providers of services. In addition, the Secretary would encourage, but not require, grantees to demonstrate effective ways to increase client choice in other aspects of the rehabilitation process.
- Section 377.5(c) provides definitions of the terms "employment outcome" and "voucher." The 1992 Amendments replace the definition of the term "employability" with a similar definition of the term "employment outcome." Specifically, the term "employment outcome" is defined in section 7(5) of the Act to mean entering or retaining full-time or, if appropriate,

part-time competitive employment in the integrated labor market (including satisfying the vocational outcome of supported employment) *or satisfying any other vocational outcome the Secretary may determine, consistent with this Act* (emphasis added). The definition in the proposed regulations incorporates the "other vocational outcome" or outcomes as previously determined by the Secretary in the definition of the term "employability" in 34 CFR part 361 of the existing regulations. The Secretary has determined that those vocational outcomes continue to be consistent with the Act. "Voucher" is not defined in the Act. However, because the Secretary anticipates that a number of demonstration projects may propose the use of vouchers as a means of increasing client choice, a definition is proposed in these regulations to ensure that applicants use the term consistently. It is not designed to restrict the flexibility of applicants in proposing methods to increase choice.

• Section 377.11 contains the proposed provisions regarding the content of grant applications. The Secretary proposes to implement the requirement in section 802(g)(3)(A) of the Act that applicants describe how they will determine the "cost" of any service or product offered to an eligible client by requiring applicants to describe how they will determine the "monetary value" of a service or product, including, if applicable, the monetary value of a voucher. The Secretary intends for the grantee's determination of monetary value to be an indication of the amount the grantee will pay for a service or product. The Secretary believes this approach reflects legislative intent since the actual costs of services and products will be determined by the providers, who are not necessarily the grantees. It is anticipated that applicants also would explain how they would handle any differences between the monetary value determined by the grantee and the cost determined by the provider. The Secretary notes that the application package also will ask applicants who are proposing to use vouchers to describe their plan for administering the use of vouchers, including the redemption or reimbursement of vouchers. In addition, in accordance with section 21(b)(5) of the Act, the Secretary has determined that it is appropriate for all applicants under this program to demonstrate how they will address the needs of individuals with disabilities from minority backgrounds and proposes to include that requirement in this section. This section also would require applicants to describe how they would ensure that clients are satisfied with the quality and scope of services provided and how they would monitor and account for the use of funds to purchase services. The Secretary notes that the Department would recover directly from the grantee any Federal funds that are misspent. Accordingly, it would be left to the discretion of individual grantees to establish mechanisms for recovering misspent funds from providers. Finally, this section would incorporate the requirements in section 802(g)(3)(B) of the Act regarding the preparation of a written plan. The Secretary notes that while an individualized written rehabilitation program (IWRP), which is required under the State Vocational Rehabilitation Services Program, would also meet the written plan requirement for this program, the regulatory requirements associated with the IWRP do not apply to the written plan required under this program. However, the Secretary expects that the full range of goals currently available to clients under the IWRP would also be available under this program.

• Section 377.21 contains the selection criteria the Secretary proposes to use to evaluate each application. The proposed selection criteria are designed to ensure that the demonstration projects funded under this program will provide measurable and useful information regarding choice in the rehabilitation process that could be used in the future to expand choice in the State Vocational Rehabilitation Services Program.

• Section 377.22 incorporates the requirement in the Act that the Secretary must consider the diversity of strategies proposed, diversity of clients to be served, and geographic distribution of projects in making grants under this program. The Secretary interprets these as overall requirements that apply to the group of projects that are funded, not to each project. Thus, the proposed regulations would not require each individual application to describe diverse strategies, assure that a diversity of clients will be served, or cover broad geographic areas.

• Section 377.30 contains the record collection requirements that the Secretary believes are necessary for the Department to conduct the evaluation required by section 802(g)(5) of the Act. The Department is in the process of developing an evaluation plan consistent with the requirements in the statute. In order to evaluate the effectiveness of the project with respect to clients served, the Secretary proposes to require grantees to maintain records regarding the number of clients served by disability, race, national origin, gender, and age, and the number of clients served who are individuals with a severe disability.

• Section 377.31 incorporates the provision in section 20 of the Act requiring programs to advise individuals with disabilities, their families, or authorized representatives regarding the purposes and availability of the Client Assistance Program (CAP). Although the scope of this statutory requirement is not clear, since CAP provides assistance to applicants as well as recipients of services, the Secretary proposes to require grantees to advise both applicants and clients of the purposes and availability of CAP.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

States are not defined as "small entities" under the Regulatory Flexibility Act. The small entities that would be affected by these proposed regulations are small public and nonprofit agencies and organizations receiving Federal funds under this program. However, the regulations would not have a significant economic impact on the small agencies and organizations affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 377.11, 377.21, and 377.30 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h).)

The Department needs and uses the information to make grants. Annual public reporting burden for this collection of information is estimated to average 60 hours per response for 100 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and

completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 3038, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 377

Choice, Grant programs—education, Grant programs—social programs, Reporting and recordkeeping requirements, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance Number has not been assigned.)

Dated: March 26, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend title 34 of the Code of Federal Regulations by adding a new part 377 to read as follows:

PART 377—DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE PROGRAM

Subpart A—General

Sec.
377.1 What is the Demonstration Projects to Increase Client Choice Program?
377.2 Who is eligible for an award?
377.3 What types of activities may the Secretary fund?
377.4 What regulations apply?
377.5 What definitions apply?

Subpart B—How Does One Apply for an Award?

377.10 How does an eligible entity apply for an award?
377.11 What is the content of an application for an award?

Subpart C—How Does the Secretary Make an Award?

377.20 How does the Secretary evaluate an application?
377.21 What selection criteria does the Secretary use?
377.22 What additional factors does the Secretary consider in making grants?

Subpart D—What Post-Award Conditions Must Be Met by a Grantee?

377.30 What information must a grantee maintain and provide to the Secretary?
377.31 What information must a grantee provide to eligible clients?
377.32 What are the matching requirements?

Authority: Sec. 802(g) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g), unless otherwise noted.

Subpart A—General

§ 377.1 What is the Demonstration Projects to Increase Client Choice Program?

The Demonstration Projects to Increase Client Choice Program is designed to provide financial assistance for projects that demonstrate ways to increase client choice in the vocational rehabilitation process, including the choice of providers of vocational rehabilitation services.

(Authority: Sec. 802(g)(1) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(1))

§ 377.2 Who is eligible for an award?

States and public and nonprofit agencies and organizations are eligible to receive a grant under this program.

(Authority: Sec. 802(g)(1) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(1))

§ 377.3 What types of activities may the Secretary fund?

The Secretary provides financial assistance under this program for activities that are directly related to planning, operating, and evaluating projects to demonstrate effective ways to increase the choices available to eligible clients in the rehabilitation process as follows:

(a) At a minimum, all projects must demonstrate effective ways to increase the choices available to clients in selecting providers of services.

(b) Projects may also use these funds to demonstrate additional ways to increase the choices available to clients in the rehabilitation process.

(Authority: Sec. 802(g)(2)(A) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(1), (2))

§ 377.4 What regulations apply?

The following regulations apply to the Demonstration Projects to Increase Client Choice Program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(7) 34 CFR part 82 (New Restrictions on Lobbying).

(8) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(9) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The following regulations in 34 CFR part 369 (Vocational Rehabilitation Service Projects): §§ 369.43, 369.46, and 369.47.

(c) The regulations in this part 377.

(Authority: Sec. 802(g) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g))

§ 377.5 What definitions apply?

(a) *Definitions in the Rehabilitation Act of 1973, as amended (the Act).* The

following terms used in this part are defined in the Act:

Client or eligible client means an individual with a disability who is not currently receiving services under an individualized written rehabilitation program established through a designated State unit. (Section 802(g)(8) of the Act)

Individual with a disability means any individual who—

(1) Has a physical or mental impairment that for that individual constitutes or results in a substantial impediment to employment; and

(2) Can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to title I, II, III, VI, or VIII of the Act. (Section 7(8)(A) of the Act)

State means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect). (Section 7(16) of the Act)

Vocational rehabilitation services means the services authorized in section 103(a) of the Act. (Section 103(a) of the Act)

(b) *Definitions in EDGAR.* (1) The following terms used in this part are defined in 34 CFR 77.1:

Applicant	Nonprofit
Application	Project
Award	Project period
Budget period	Public
Department	Secretary
EDGAR	

(2) The following terms used in this part are defined in 34 CFR 74.3:

Grant
Grantee

(c) *Other definitions.* The following definitions also apply to this part:

Employment outcome means entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market, the practice of a profession, self-employment, homemaking, farm or family work (including work for which payment is in kind rather than in cash), extended employment in a community rehabilitation program, supported employment, or other gainful work.

Voucher means a credit of specified monetary value, issued by a grantee to an eligible client, that the eligible client exchanges for vocational rehabilitation services from a qualified provider.

(Authority: Secs. 7(5), 7(8)(A), and 802(g) of the Rehabilitation Act of 1973; 29 U.S.C. 706 and 29 U.S.C. 797a)

Subpart B—How Does One Apply for an Award?

§ 377.10 How does an eligible entity apply for an award?

In order to apply for an award, an eligible entity shall submit an application to the Secretary in response to an application notice published in the **Federal Register.**

(Authority: Sec. 802(g)(3) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(3))

§ 377.11 What is the content of an application for an award?

(a) The award application must include a description of—

(1) The manner in which the applicant intends to promote increased client choice in the geographical area identified in the application;

(2) The outreach activities the applicant plans to conduct to obtain eligible clients, including clients who are individuals with a severe disability;

(3) The manner in which the applicant will ensure that service providers are accredited or meet any quality assurance and cost-control criteria established by the State;

(4) The manner in which the applicant will ensure that eligible clients are satisfied with the quality and scope of services provided;

(5) The manner in which the applicant will monitor and account for use of funds to purchase services;

(6) The manner in which the applicant will determine the monetary value of the services or products available to clients, including, if appropriate, the monetary value of vouchers;

(7) The manner in which the applicant will address the needs of individuals with disabilities who are from minority backgrounds; and

(8) Those features of the proposed project that the applicant considers to be essential and a discussion of their potential for widespread replication.

(b) The application also must include assurances from the applicant that—

(1) A written plan to provide vocational rehabilitation services will be established for, and with the full participation of, each eligible client, that at a minimum will include—

(i) A statement of the client's vocational rehabilitation goals, which must include goals that are designed to lead to an employment outcome consistent with the client's unique strengths, resources, priorities, concerns, abilities, and capabilities;

(ii) A statement of the specific vocational rehabilitation services to be provided and the projected dates for the initiation and termination of each service; and

(iii) A description of an evaluation procedure for determining whether the client's vocational rehabilitation goals are being achieved, including—

(A) Objective evaluation criteria; and

(B) An evaluation schedule;

(2) The Federal funds granted under this part will be used to supplement, and in no case to supplant, funds made available from other Federal and non-Federal sources for projects providing increased choice in the rehabilitation process;

(3) At least 80 percent of the funds awarded for any project under this part will be used to provide vocational rehabilitation services, as specifically chosen by eligible clients;

(4) The applicant will cooperate fully with the Secretary in a national evaluation, including assisting the Department's contractor in selecting and obtaining data for a control group established through random assignment or by the selection of a matched comparison group; and

(5) Individuals with disabilities will be involved in the development and implementation of the project.

(c) Each applicant also shall submit to the Secretary any other information and assurances that the Secretary determines to be necessary.

(Authority: Sec. 21(b)(5), 802(g)(2), 802(g)(3), 802(g)(5), 802(g)(6), and 802(g)(7) of the Rehabilitation Act of 1973; 29 U.S.C. 718b and 29 U.S.C 797a(g)(2), (3), (5), (6), and (7))

Subpart C—How Does the Secretary Make an Award?

§ 377.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 377.21.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: Sec. 802(g)(3) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(3))

§ 377.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application:

(a) *Plan of operation.* (30 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The extent to which the project includes specific intended outcomes that—

(i) Will accomplish the purpose of the program to provide increased client

choice in the rehabilitation process, including at a minimum increased choice in the selection of service providers, leading to an employment outcome;

(ii) Are attainable within the project period, given the project's budget and other resources;

(iii) Are objective and measurable for purposes of evaluation, including an estimate of the numbers of clients to be served;

(iv) Include objectives to be met during each budget period that can be used to determine the progress of the project toward meeting its intended outcomes;

(2) The extent to which the plan of operation specifies the methodology for accomplishing each objective of the project;

(3) The extent to which the applicant's plan of management, including resources and timelines, is designed to achieve each objective and intended outcome during the period of Federal funding;

(4) The extent to which the applicant's plan identifies the numbers of eligible clients by type of disability and the number of eligible clients with severe disabilities who are available to participate in the project;

(5) The extent to which the applicant plans to conduct outreach activities to obtain eligible clients;

(6) The extent to which the applicant's plan ensures that clients who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, or age; and

(7) The extent to which the applicant's plan describes a workable process for determining the monetary value of any service or product offered to eligible clients, including, if appropriate, the value of vouchers.

(b) *Key personnel and other resources.* (15 points)

(1) The Secretary reviews each application to determine the quality of key personnel proposed for the project, including—

(i) The relevant experience and training of the project director;

(ii) The relevant experience and training of each of the other key personnel to be used on the project;

(iii) The amount of time that each person referred to in paragraphs (b)(1)(i) and (ii) of this section will commit to the project;

(iv) The extent to which persons referred to in paragraphs (b)(1)(i) and (ii) of this section are capable of providing technical assistance to other entities interested in replicating the project; and

(v) The extent to which the applicant will ensure that persons employed through the project are selected and work without regard to race, color, national origin, gender, age, or disabling condition.

(2) The Secretary reviews each application to determine the adequacy of the resources the applicant plans to devote to the project, including—

(i) The facilities that the applicant plans to use;

(ii) The equipment and supplies that the applicant plans to use; and

(iii) The recordkeeping capabilities of the applicant for financial and evaluation purposes.

(c) *Service provision.* (20 points) The Secretary reviews each application to determine the quality and comprehensiveness of the services to be offered and the applicant's capacity to provide increased choice in the provision of services to eligible clients, including the extent to which the applicant—

(1) Has the capacity to evaluate the eligibility of applicants for services and to develop written plans for services for individual clients;

(2) Has demonstrated knowledge of a wide range of potential service providers that can meet the needs of eligible clients;

(3) Has described a workable process for allowing eligible clients to choose from among a wide range of service providers;

(4) Has described satisfactory systems to account for the appropriate expenditure of funds; and

(5) Has described satisfactory systems to ensure the provision of quality services.

(d) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project;

(2) Will determine how successful the project is in meeting its intended outcomes; and

(3) Are objective and produce data that are quantifiable, including data that are required under § 377.30.

(e) *National significance.* (15 points) The Secretary reviews each application to determine the extent to which—

(1) Project findings might be effectively used within the State vocational rehabilitation service system; and

(2) Project activities might be successfully replicated by other entities.

(f) *Budget and cost effectiveness.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) The budget for the project is adequate to support the project activities;

(2) Costs are reasonable in relation to the objectives of the project.

(Authority: Sec. 802(g)(3) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(3))

§ 377.22 What additional factors does the Secretary consider in making grants?

In addition to the criteria in § 377.21, the Secretary considers the following factors in making grants under this program:

(a) The diversity of strategies to increase client choice, in order to ensure that a variety of approaches are demonstrated by funded projects.

(b) The diversity of clients to be served, in order to ensure that a variety of disability populations are served by funded projects.

(c) The geographical distribution of funded projects.

(Authority: Sec. 802(g)(4) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(4))

Subpart D—What Post-Award Conditions Must Be Met by a Grantee?

§ 377.30 What information must a grantee maintain and provide to the Secretary?

(a) Each grantee shall maintain the records that the Secretary requires to conduct an evaluation of projects funded under this program, which at a minimum must include information regarding the—

(1) Types of services provided;

(2) Costs of services provided;

(3) Number of clients served by disability, race, national origin, gender, and age;

(4) Number of clients with a severe disability served;

(5) Client outcomes obtained;

(6) Implementation issues addressed; and

(7) Any other information the Secretary requires.

(b) Each grantee shall comply with any request from the Secretary for those records.

(Authority: Secs. 802(g)(5) and 802(g)(7) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(5), (7))

§ 377.31 What information must a grantee provide to eligible clients?

Each grantee shall advise all clients and applicants for services under this program, or their parents, family members, guardians, advocates, or authorized representatives, of the availability and purposes of the Client Assistance Program under section 112 of the Act, including information on

means of seeking assistance under that program.

(Authority: Sec. 20 of the Rehabilitation Act of 1973; 29 U.S.C. 718a)

§ 377.32 What are the matching requirements?

Grants may be made for paying all or part of the costs of projects under this program. If part of the costs is to be covered by the grantee, the amount of grantee contribution is specified in the application notice and will not be required to be more than 10 percent of the total cost of the project.

(Authority: Sec. 802(g)(1) of the Rehabilitation Act of 1973; 29 U.S.C. 797a(g)(1))

[FR Doc. 93–7505 Filed 3–31–93; 8:45 am]

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April 1, 1993

Part III

Department of Transportation

Coast Guard

46 CFR Part 174

Subdivision and Damage Stability of Dry Cargo Vessels; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 174

[CGD 87–094]

RIN 2115–AC87

Subdivision and Damage Stability of Dry Cargo Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations require new dry cargo ships of 500 gross tons or more, calculated in accordance with the International Convention on Tonnage Measurement of Ships, 1969, to meet a minimum standard of subdivision and damage stability. These regulations implement an international standard that was developed to ensure that a ship can sustain limited damage without loss of that ship.

EFFECTIVE DATE: May 3, 1993.

ADDRESSES: Unless otherwise indicated, documents referenced in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street, SW., room 3406, Washington, DC 20593–0001, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: LT Robert Holzman, Office of Marine Safety, Security, and Environmental Protection at (202) 267–2988.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LCDR Guy R. Nolan, Project Manager, Office of Marine Safety, Security, and Environmental Protection, and Helen Boutrous, Project Counsel, Office of Chief Counsel.

Regulatory History

On April 6, 1988, the Coast Guard published an advance notice of proposed rulemaking (ANPRM) entitled "Dry Cargo Ship Subdivision and Damage Stability Regulations" in the **Federal Register** (53 FR 11440). The ANPRM provided draft regulations, that were based on an IMO resolution, for public comment. On November 6, 1989, the Coast Guard published a revision to the draft regulations in the **Federal Register** (54 FR 46631). This revision incorporated a revision in the international standard, and reopened the comment period. The Coast Guard received a total of fourteen comments to the ANPRM's.

On July 22, 1992, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Subdivision and Damage Stability of Dry Cargo Vessels" in the **Federal Register** (57 FR 32624). The Coast Guard received eight comments to the proposal. A public hearing was not requested and one was not held.

Background and Purpose

A. Introduction

Subdivision is the partitioning of a ship's internal volume into watertight compartments. Its purpose is to limit the quantity of water which may enter the ship following accidental hull damage or internal piping failure. Damage stability is the ability of a ship to avoid capsizing following accidental flooding. If uncontrolled flooding occurs without adequate subdivision and damage stability, the loss of the ship is virtually certain. Many disasters could possibly have been avoided if the ships had been subdivided and many others did not become disasters because the ships were subdivided. Casualties which result in capsizing or sinking typically involve loss of life, loss of the ship and its cargo, and release of quantities of oil and toxic chemicals into the environment. Casualty statistics presented in the April 6, 1988, ANPRM demonstrate that dry cargo ships with little subdivision have a higher rate of total loss following a collision than similar ships having the degree of subdivision in their cargo holds which the regulations will require. Loss of life and property can be reduced if adequate subdivision and damage stability is provided in the design of all dry cargo ships.

A one-compartment standard of subdivision and damage stability requires ships to be divided by transverse watertight bulkheads and to be operated with sufficient stability so as to remain afloat without excessive heel after damage within any one of the spaces between the bulkheads. This does not mean that a ship built to a one-compartment standard will always survive damage. These ships are still vulnerable to even minor damage in way of a bulkhead that allows the flooding of two compartments.

The probabilistic approach of these regulations takes into account the probability of various extents of damage occurring anywhere along the ship's length and the resulting flooding. At the same time it takes into account the probability that the ship will survive the damage given its stability and draft. This provides a rational means of assessing the safety of ships, where flooding is concerned, no matter what their arrangements might be.

B. Historical Perspective

Until recently, there were no domestic regulations or international requirements for dry cargo ships, which may carry sizeable quantities of hazardous materials in packages, to be designed to remain afloat without capsizing after sustaining even minor damage. However, most existing U.S. dry cargo ships, including RO–RO ships, were built under a subsidy or mortgage insurance program administered by the U.S. Maritime Administration (MARAD) which required these ships to meet a one-compartment standard of subdivision.

The United States has been pressing for an international agreement on dry cargo ship subdivision since the International Convention for the Safety of Life at Sea, 1960. In 1977, after a series of casualties around the world, the Coast Guard restated its desire to have subdivision and damage stability standards for dry cargo ships developed as a matter of urgency, and worked on a one-compartment subdivision standard together with the Society of Naval Architects and Marine Engineers. The standard could not be agreed upon internationally, partly because the standard could not be made flexible enough for RO–RO designs which depend upon horizontal and longitudinal subdivision instead of transverse subdivision, and partly because the index of safety was not functionally proportionate to the true degree of safety.

In 1985, the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) instructed the technical Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) to develop a subdivision and damage stability standard based on the probabilistic analysis method. Standards developed were based on the research work done and the equations which were developed for the probabilistic rules for passenger ships (IMO Resolution A.265(VIII)).

In May 1990, the current IMO damage stability rules for dry cargo ships were adopted. These rules became effective as of February 1, 1992, as an amendment to the International Convention for the Safety of Life at Sea, 1974 (SOLAS).

The IMO regulations apply to cargo ships constructed on or after February 1, 1992. A definition of a "new" ship was included in the proposed regulations and has been further refined in this final

rule in response to the comments received.

The IMO regulations have recently been evaluated for application to ships less than 100 meters (328 feet) in length. While the principles used in the IMO regulations are appropriate regardless of ship size, the subdivision of smaller dry cargo ships is further complicated by the need to design cargo spaces that are large enough to allow efficient cargo operations. At the 36th session of SLF there was widespread support for the application of these rules to ships less than 100 meters (328 feet) in length, provided a compromise could be found between the need to subdivide and a reasonable minimum bulkhead spacing. Late in the session, consensus was reached using data contained in the multinational collation of results in applying Resolution MSC.19(58) to cargo ships less than 100 meters (328 feet) in length. A draft SOLAS amendment has been prepared and the 37th session of SLF is expected to forward it to MSC for approval.

These rules are part of a continuing effort by the Coast Guard to promote the development and adoption of satisfactory international standards that then can be adopted into U.S. regulations. Improvement of international standards benefits the public by raising the level of safety of foreign flag vessels visiting U.S. ports. U.S. adoption of the improved international standards allows U.S. flag vessels to better compete with foreign flag vessels.

To fully understand the impact of these rules, they must be considered in conjunction with the draft IMO Code on Intact Stability. This Code is the result of years of international effort to consolidate and refine the intact stability standards for all vessel types. The draft code is currently in near final form and is expected to be adopted at the next IMO Assembly in October 1993. The Coast Guard intends to propose adoption of many portions of the draft IMO Code of Intact Stability, the most significant of which affects large containerships. The current U.S. regulations for intact stability were developed for 1940's era ships and have proved inappropriate and overly restrictive for large modern containerships. On April 2, 1992, the Coast Guard published a notice in the **Federal Register** (57 FR 11267) that allows the draft IMO intact stability standard for large containerships to be submitted as an equivalent to the current U.S. requirements for intact stability for containerships greater than 100 meters (328 feet) in length. The combined effect of the changes in both the intact and damage stability standards will be an increase in cargo capacity of U.S. flag vessels of 3 to 8 percent, without added danger to the vessel or crew. The Coast Guard projects that the potential annual benefit for the entire U.S. containership industry could be as high as $250 million.

Discussion of Comments and Changes

On July 22, 1992, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled "Subdivision and Damage Stability of Dry Cargo Vessels" in the **Federal Register** (57 FR 32624). The Coast Guard received eight comments to the proposal, one of which was a correction to an earlier comment. Four comments indicated strong support for the proposed rules. Two comments requested clarification without indicating support and one comment recommended changes to the international standard this rulemaking adopts.

Four comments expressed satisfaction with the international damage stability standard for dry cargo ships and the positive effect it will have in improving safety of the world fleet. One comment expressed a need for a mandatory damage stability standard for all U.S. oceangoing cargo vessels and indicated that the proposed standard, based on the probabilistic approach, represents the current state of the art on the subject. This comment, from a major U.S. shipping company, indicated extensive experience in the application of MARAD Design Letter No. 3, both for ships where it was required for title XI financing and other vessels as well. This company has designed and operated ships to meet the one-compartment standard, but expressed concern over its shortcomings and support for efforts to develop a criterion based on a more rational approach. Two comments expressed the belief that U.S. flag cargo ships have been operating at a competitive disadvantage relative to foreign flag ships and recommended that the MARAD one-compartment standard for dry cargo ships be abandoned.

Three comments requested clarification of the applicability of the regulations with respect to offshore supply vessels (OSV's), integrated tug and barge units (ITB's) and existing foreign flag vessels that are reflagged as U.S. flag vessels.

SOLAS Regulation 25–1, of chapter II–1, part B–1, implemented by this final rule, specifically excludes application to ships which are shown to comply with subdivision and damage stability requirements of other international standards. Therefore, OSV's that comply with the Guidelines for the Design and Construction of Offshore Supply Vessels (Resolution A.469(XII)) are not required to comply with these rules. A separate rulemaking has already proposed adoption of IMO Resolution A.469(XII) for all new U.S. flag OSV's. If adopted, the proposed regulations published in the **Federal Register** on May 9, 1989 (CGD 82–004 and 86–074; 54 FR 20006) will obviate the need for these vessels to comply with the damage stability rules for dry cargo vessels. The Coast Guard has no intention to apply the dry cargo rules to OSV's while CGD 82–004 and 86–074 are pending, even on an interim basis. It is the Coast Guard's intention to implement the provisions of the SOLAS amendments on subdivision and damage stability of dry cargo ships as adopted by IMO without expanding or narrowing its application.

One comment requests clarification on whether the tug unit of an ITB would be required to meet the subdivision rules when not operating as part of the ITB and further asked if the tug was to be considered as a single compartment or ignored when considering damage to the barge. When operating as individual vessels both tug and barge must meet the standard subdivision and damage stability requirements applicable to those vessels only. When operating as an integrated tug and barge the combined unit must meet the same subdivision and damage stability requirements as a ship of that size. Designers may simplify the damage stability calculations by treating the tug as one-compartment or may consider the subdivision of the tug to calculate the maximum attained index.

One comment pointed out that the proposed definition of "new ship" did not specifically mention ships that were changing from foreign to U.S. flag and asked if the Coast Guard intended to apply the new damage stability requirements to existing ships that were being reflagged. Navigation and Vessel Inspection Circular (NVIC) 10–81, Change 1, provides that vessels being reflagged should meet the stability standards of a U.S. ship being built at the time of application for inspection as a U.S. flag vessel. The Coast Guard encourages consideration of a vessel's ability to survive damage as part of the decision to reflag vessels, but recognizes the potential cost of modifying an existing vessel. Recognizing that the majority of reflags are promoted by needs of the Military Sealift Command, and to avoid placing an undue hardship on vessel owners currently reflagging vessels, the definition of "new ship" has been modified to specifically address

reflags. The final rule requires all vessels making application for reflagging on or after February 1, 1997 to meet the IMO damage stability standard. This approach is consistent with the goals of NVIC 10–81, Change 1, to include stability standards in decisions to reflag vessels, but allows sufficient lead time to prevent hardships to vessel owners currently reflagging vessels.

Two comments addressed the application of these rules to vessels less than 100 meters in length. One comment supported application, but noted the challenge of meeting these rules is most difficult for smaller vessels and expressed the hope that the Coast Guard will be open to working with designers and owners to achieve satisfactory and efficient new ships and not put a premium on older tonnage. The Coast Guard agrees that smaller vessels have the most difficulty in achieving a high attained index "A". However, the proposed modification to the calculation of the required index "R" significantly lowers the required index for smaller vessels, and would provide designers with an achievable standard that would not be overly restrictive. A second comment did not support adoption of the proposed rules for vessels less than 100 meters in length prior to adoption by IMO, stating that industry needs additional time to study the implications of such a proposal. This comment asked the Coast Guard to remove the proposal of application to vessels less than 100 meters in length or extend the comment period. While the NPRM provided an excellent opportunity for public comment on the application of the proposed standard for vessels less than 100 meters in length, the Coast Guard agrees that it is appropriate to delay mandatory application of the proposed SOLAS amendment until approved by IMO. The portions of the proposed regulation defining subdivision length and requiring the calculation of the required index for vessels less than 100 meters in length has been removed. Subpart J remains applicable to dry cargo ships less than 100 meters in length, but, as long as the 100 meter limit remains in SOLAS, these vessels will not be required to meet any damage stability standard. If the proposed amendment regarding vessels less than 100 meters is adopted by IMO, the Coast Guard will address application of the amendment to vessels less than 100 meters in length in the **Federal Register**.

One comment indicated the belief that an act of Congress on metrification requires the use of metric units, with traditional English units in parenthesis. The proposed rule was written in traditional English units, with metric units in parenthesis, to be consistent with the rest of Part 174 of these regulations. The removal of the portion of the rule concerning ships less than 100 meters in length leaves gross tonnage as the only units in these regulations and resolves this issue. However, throughout the preamble metric units have been used, with English in parenthesis.

One comment disagreed with the Coast Guard's statement that virtually all U.S. flag ships have been built to the one-compartment standard, pointing out that "more than a few" U.S. flag ships do not meet the one-compartment standard. However, this comment also agreed that there is no compelling reason to apply these rules to existing ships. The Coast Guard acknowledges that most foreign built dry cargo vessels that have been reflagged and some U.S. built cargo vessels may not meet the one-compartment standard, but retains its position that the IMO standard will not place an undue burden on the design of new vessels and that there is no compelling reason to apply these rules to existing ships, except on a voluntary basis.

One comment pointed out that the NPRM discussion of SOLAS regulation 25–8 noted that damage stability plans are to be posted on the bridge. The comment suggested that reference should be to "damage control plans." This comment further questioned whether the required information should be more detailed than currently found on damage control plans, whether the information was to be available to all officers on ship, including the Engineering Dept., and whether the information should actually be provided instead of merely available. The comment expressed the belief that the answers to all these questions should be yes, and that the development of a damage control booklet would enhance safety by advising ship's officers of a ship's specific vulnerabilities. The Coast Guard agrees that a damage control booklet would be one way to present the information required by SOLAS regulation 25–8. However, there may be other ways to present this information that could be just as effective. It is the Coast Guard's position that SOLAS regulation 25–8 provides satisfactory guidance and therefore no change has been made to the rule on this matter.

One comment noted that the Coast Guard's assertion in the proposed rule that virtually all U.S. ships are built to the requirements of MARAD Design Letter No. 3 could be interpreted to indicate that there was no need to demonstrate compliance with the damage stability standard implemented by this rule. This comment correctly pointed out that this interpretation would be counter to the U.S. position during the development of the probabilistic international standard. The Coast Guard did not intend to imply equivalence, but merely intended to demonstrate that these rules will not place an undue burden on ship designers or owners. The ability of a new vessel to meet the MARAD one-compartment standard does not obviate the requirement to demonstrate compliance with these rules.

Four comments specifically addressed the probabilistic IMO criterion itself. One comment stated that the criterion has not only been applied in the design of a new containership but also in the conversion of two existing ships and the compartmentation and design requirements were found to be reasonable and practicable in all cases.

One comment requested clarification of how the probability of damage to each compartment was established and asked for confirmation that the international standard did not require "survival" in all possible damage conditions. The probability of damage to each compartment was established by evaluating the longitudinal, vertical and transverse extents of damage observed in actual vessel casualties. The observed results were simplified and presented as mathematical relationships, as was the location of the center of damage, in such a way that the probability of damage to any compartment could be estimated based on the location of the boundaries that defined that space. A damage stability analysis is performed assuming each space, or combination of spaces, is damaged to see if the vessel meets the established conditions of survival with that space damaged. If so, the probability of damage to that space becomes part of the overall summation that represents the vessels ability to survive damage. It is not necessary for a vessel to meet the conditions of survival in all possible damage scenarios provided that the vessel meets those conditions in enough cases to exceed the value of the required index "R" established by the international standard.

One comment supported the use of horizontal subdivision in SOLAS regulation 25–6, but believes the NPRM discussion suggests a much higher scientific basis for the vertical extent than there was in fact. The comment correctly pointed out that casualty statistics on the vertical extent of damage were particularly lacking and that the relationship between a striking

ship's bow height and the vertical extent of damage was observed in a small sample of these statistics. Since it is impossible to know the bow height of the striking ship, it was assumed that the bow height of the struck ship could be used instead. A second comment agreed that the tendency of ships to collide with ships of the same relative size tends to ignore the differences in bow heights for different ship types and makes this portion of the international standard more tenuous, particularly for greater ship lengths. An example of a recent collision was provided where damage was sustained by a cruise ship as high as 20′ above the main deck. However, the international standard only considers damage to a maximum height of 23′ above the waterline, which on this vessel was still 10′ below the main deck. MARAD has long recommended the vertical extent of damage be increased and is currently preparing a study of bow heights that may lead to international agreement to improve this portion of the international standard.

One comment to the NPRM reiterated the position expressed in a previous comment to the ANPRM's that several changes should be made in the international standard, as follows:

1. Required index "R" should be increased; comment stated a higher required index is both desirable and attainable.
2. Recommended that attained index be required to achieve required index in full range of operating conditions.
3. Asserted that 25° equilibrium heel angle is too high and recommended survival criteria be modified to maximum 15–20° equilibrium heel angle.
4. Recommended cargo permeability be expanded from a single value to more traditional values appropriate for different types of cargo.
5. Recommended increase in the required vertical extent of damage.

As discussed in the NPRM, it is the Coast Guard's position that there is merit to all of these suggestions and the Coast Guard intends to pursue continued improvements of the international standards. It would be possible to establish higher U.S. standards but this would have a detrimental effect on owners of U.S. flag vessels and reduce their ability to compete with foreign operators.

One comment suggested that the IMO Explanatory Notes to the regulations on subdivision and damage stability of dry cargo ships be published as a NVIC as soon as possible. This has always been the Coast Guard's intention and publication of a NVIC is planned to coincide with the publishing of this final rule. In addition, the Coast Guard is working with the Society of Naval Architects and Marine Engineers to develop more detailed guidance for future publication. This comment also recommended that the U.S. position at IMO reflect the need for continued improvement of the international standard.

Two comments emphasized that these rules are rationally based and represent a reasonable safety standard for cargo ships, but acknowledged that reappraisal and refinement of these regulations must continue at IMO. One comment went on to point out that the rules as proposed are adaptable to changes in the state of the art because as many of the factors which influence damage stability as possible have been quantified separately, allowing future improvements of the international standard as better data or better analytic tools become available.

The Coast Guard is committed to the continued improvement and adoption of international stability standards for all ship types in order to improve the level of safety of foreign flag vessels visiting U.S. ports and to reduce unnecessary regulatory burdens on U.S. flag operators.

Regulatory Evaluation

This rulemaking is considered to be non-major under Executive Order 12291. However, it is considered to be significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11304; February 26, 1979). The ANPRM was considered significant because it suggested applying the proposed standard in advance of formal adoption by IMO. Further, the ANPRM announced that the Coast Guard would consider applying the proposed standard to new and existing foreign ships entering U.S. ports and generated a high level of interest in the international community. The adoption of a mandatory international subdivision and damage stability standard terminated the necessity for unilateral U.S. regulations. The regulations proposed in the NPRM, and adopted by this Final Rule, apply to new U.S. flag ships only. However, the Coast Guard continues to consider this rulemaking significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because of the public interest in, and importance of, establishing minimum standards of subdivision and damage stability for dry cargo ships. The Coast Guard expects the adverse economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. These regulations implement an international standard that requires a mandatory minimum level of subdivision for new ships. This standard is easier to achieve than the traditional one-compartment standard required to qualify for MARAD subsidies. This results in no increased cost for subsidized ships due to these regulations. For new ships built without MARAD subsidies, these regulations require a subdivision standard already adopted on a world wide basis and will have no adverse effects on competition.

This rulemaking complements ongoing international efforts to consolidate and refine the intact stability standards for all vessel types. The draft IMO Code of Intact Stability is expected to be adopted at the next IMO Assembly in October 1993. The Coast Guard intends to propose adoption of many portions of this draft code, the most significant of which affects large containerships. The current U.S. regulations for intact stability were developed for 1940's era ships and have proved inappropriate and overly restrictive for large modern containerships. On April 2, 1992, the Coast Guard published a notice in the **Federal Register** (57 FR 11267) that allows the draft IMO intact stability standard for large containerships to be submitted as an equivalent to the current U.S. requirements for intact stability for containerships greater than 100 meters (328 feet) in length. The combined effect of the changes in both the intact and damage stability standards will be an increase in cargo capacity of U.S. flag vessels of 3 to 8 percent, without added danger to the vessel or crew. The Coast Guard projects that the potential annual benefit for the entire U.S. containership industry could be as high as $250 million.

Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) required the Coast Guard to consider whether this rulemaking would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). These regulations impact owners and operators of large, oceangoing ships. None of these entities can be classified as a small entity. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C.

601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These rules do not increase the paperwork burden on the public. The only paperwork requirements involve ship design calculations that are used in the development of stability information that is already subject to Coast Guard review under 46 CFR 170.110. The Coast Guard previously submitted the requirements regarding the collection of stability information resulting from these and other calculations to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. The corresponding OMB control number is 2115–0559.

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

These regulations affect only large entities which own or operate ships engaged in interstate or international commerce. The authority to regulate the stability design criteria of these vessels has been committed to the Coast Guard by Federal statutes. These regulations, therefore, preempt state and local regulations regarding subdivision and damage stability for dry cargo ships engaged in interstate or international commerce.

Environment

The Coast Guard considered the environmental impact of these regulations and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rulemaking is categorically excluded from further environmental documentation. These regulations require a minimum standard of subdivision and damage stability, for a type of ship for which no standards existed, with the intent of reducing the chance of a ship sinking and subsequently polluting the environment. These rules do not result in any of the following:

1. Significant cumulative impacts on the human environment;
2. Substantial controversy or substantial change to existing environmental conditions;
3. Impacts which are more than minimal on properties protected under 4(f) of the DOT Act as superseded by Public Law 97–449, and section 106 of the National Historic Preservation Act; or
4. Inconsistencies with any Federal, State or local laws, or administrative determinations relating to the environment.

A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 46 CFR Part 174

Marine safety, Vessels.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR part 174 as follows:

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

1. The authority citation for part 174 continues to read as follows:

Authority: 42 U.S.C. 9118, 9119, 9153; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

2. In § 174.005, paragraphs (g) and (h) are added and reserved and paragraph (i) is added to read as follows:

§ 174.005 Applicability.

* * * * *

(g) Reserved.

(h) Reserved.

(i) Oceangoing ships of 500 gross tons or over, as calculated by the International Convention on Tonnage Measurement of Ships, 1969, designed primarily for the carriage of dry cargoes, including roll-on/roll-off ships.

3. Subpart J, consisting of §§ 174.350, 174.335 and 174.360, is added to read as follows:

Subpart J—Special Rules Pertaining to Dry Cargo Ships

Sec.
174.350 Specific applicability.
174.355 Definitions.
174.360 Calculations.

Subpart J—Special Rules Pertaining to Dry Cargo Ships

§ 174.350 Specific applicability.

This subpart applies to each new ship of 500 gross tons or over, as calculated by the International Convention on Tonnage Measurement of Ships, 1969, designed primarily for the carriage of dry cargoes, including roll-on/roll-off ships and integrated tug and barges (ITBs) when operating as a combined unit.

§ 174.355 Definitions.

New ship means a ship:

(1) For which the building contract is placed on or after February 1, 1992; or

(2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after August 1, 1992; or

(3) The delivery of which is on or after February 1, 1997; or

(4) For which application for reflagging is made on or after February 1, 1997; or

(5) Which has undergone a major conversion:

(i) For which the contract is placed on or after February 1, 1992; or

(ii) In the absence of a contract, the construction work of which is begun on or after August 1, 1992; or

(iii) Which is completed on or after February 1, 1997.

§ 174.360 Calculations.

Each ship to which this subpart applies, must meet the minimum standard of subdivision and damage stability required for that ship by the International Convention for the Safety of Life at Sea, 1974, as amended, chapter II–1, part B–1. Compliance with the applicable requirements must be demonstrated by calculations and reflected in information on loading restrictions, such as a maximum height of the center of gravity (KG) or minimum metacentric height (GM) curve that is part of the stability information required by § 170.110 of this chapter and Regulation 25–8 of The International Convention for the Safety of Life at Sea, 1974, as amended, chapter II–1, part B–1.

Dated: March 10, 1993.

J.W. Kime,

Admiral, U.S. Coast Guard, Commandant.

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Thursday, April 1, 1993

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FEDERAL REGISTER PAGES AND DATES, APRIL

17081–17320.....1

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

CFR ISSUANCES 1993
January 1993 Editions and Projected April, 1993 Editions

This list sets out the CFR issuances for the January 1993 editions and projects the publication plans for the **April, 1993** quarter. A projected schedule that will include the **July, 1993** quarter will appear in the first **Federal Register** issue of July.

For pricing information on available 1992–1993 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. The weekly CFR checklist and the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR titles and parts, revision date and price of each volume.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

*Indicates volume is still in production.

Titles revised as of January 1, 1993 editions:

Title

CFR Index

1–2

3 (Compilation)*

4

5 Parts:
1–699
700–1199
1200–End

6 [Reserved]

7 Parts:
0–26
27–45
46–51
52
53–209
210–299
300–399
400–699
700–899
900–999*
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–1939
1940–1949*
1950–1999*
2000–End

8*

9 Parts:
1–199
200–End

10 Parts:
0–50
51–199
200–399
400–499
500–End*

11*

12 Parts:
1–199
200–219*
220–299*
300–499*
500–599
600–End

13

14 Parts:
1–59
60–139
140–199
200–1199
1200–End

15 Parts:
0–299
300–799
800–End

16 Parts:
0–149
150–999
1000–End

Projected April 1, 1993 editions:

Title

17 Parts:
1–199
200–239
240–End

18 Parts:
1–149
150–279
280–399
400–End

19 Parts:
1–199
200–End

20 Parts:
1–399
400–499
500–End

21 Parts:
1–99
100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–End

22 Parts:
1–299
300–End

23

24 Parts:
0–199
200–499
500–699
700–1699
1700–End

25

26 Parts:
1 (§§ 1.0-1–1.60)
1 (§§ 1.61–1.169)
1 (§§ 1.170–1.300)
1 (§§ 1.301–1.400)
1 (§§ 1.401–1.440)
1 (§§ 1.441–1.500)
1 (§§ 1.501–1.640)
1 (§§ 1.641–1.850)
1 (§§ 1.851–1.907)
1 (§§ 1.908–1.1000)
1 (§§ 1.1001–1.1400)
1 (§ 1.1401–End)
2–29
30–39
40–49
50–299
300–499
500–599 (Cover only)
600–End

27 Parts:
1–199
200–End (Cover only)

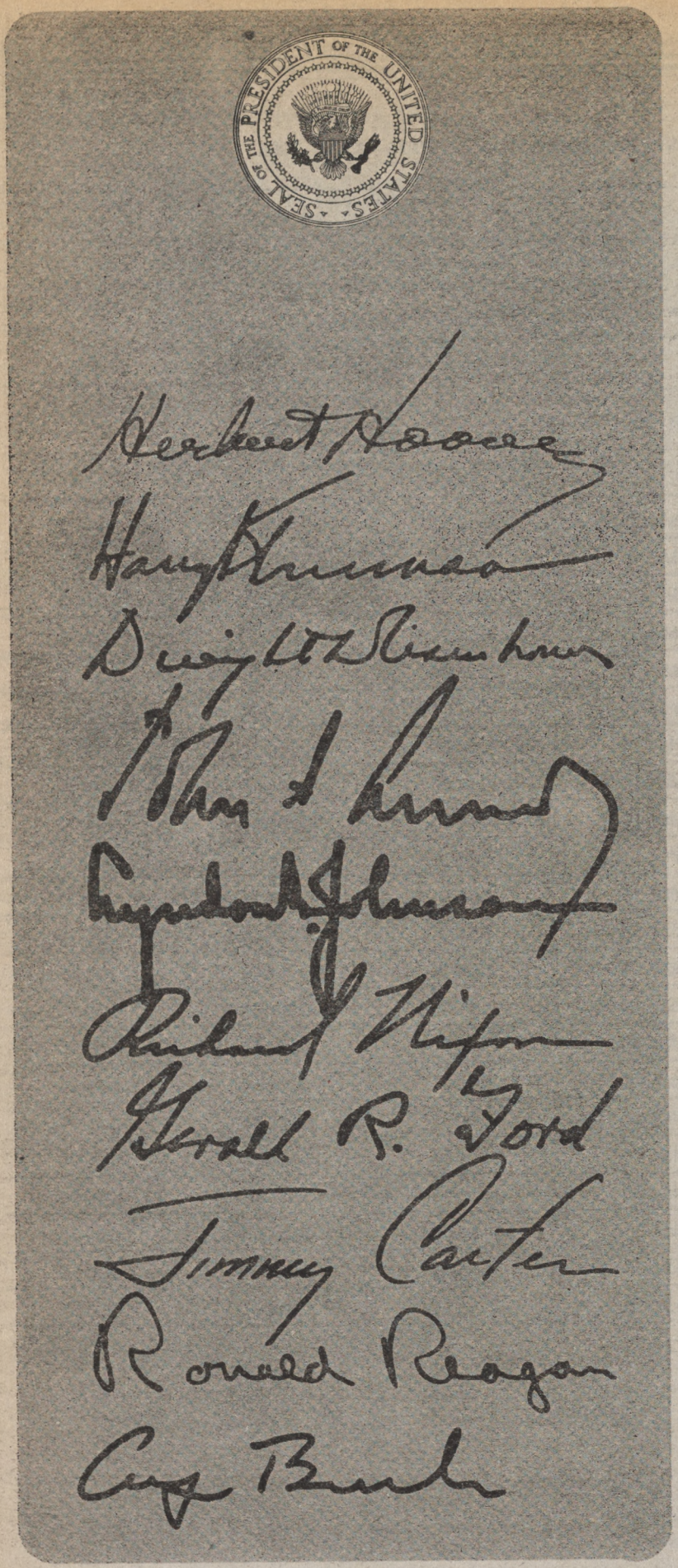
TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 1993

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
April 1	April 16	May 3	May 17	June 1	June 30
April 2	April 19	May 3	May 17	June 1	July 1
April 5	April 20	May 5	May 20	June 4	July 6
April 6	April 21	May 6	May 21	June 7	July 6
April 7	April 22	May 7	May 24	June 7	July 6
April 8	April 23	May 10	May 24	June 7	July 7
April 9	April 26	May 10	May 24	June 8	July 8
April 12	April 27	May 12	May 27	June 11	July 12
April 13	April 28	May 13	May 28	June 14	July 12
April 14	April 29	May 14	June 1	June 14	July 13
April 15	April 30	May 17	June 1	June 14	July 14
April 16	May 3	May 17	June 1	June 15	July 15
April 19	May 4	May 19	June 3	June 18	July 19
April 20	May 5	May 20	June 4	June 21	July 19
April 21	May 6	May 21	June 7	June 21	July 20
April 22	May 7	May 24	June 7	June 21	July 21
April 23	May 10	May 24	June 7	June 22	July 22
April 26	May 11	May 26	June 10	June 25	July 26
April 27	May 12	May 27	June 11	June 28	July 26
April 28	May 13	May 28	June 14	June 28	July 27
April 29	May 14	June 1	June 14	June 28	July 28
April 30	May 17	June 1	June 14	June 29	July 29



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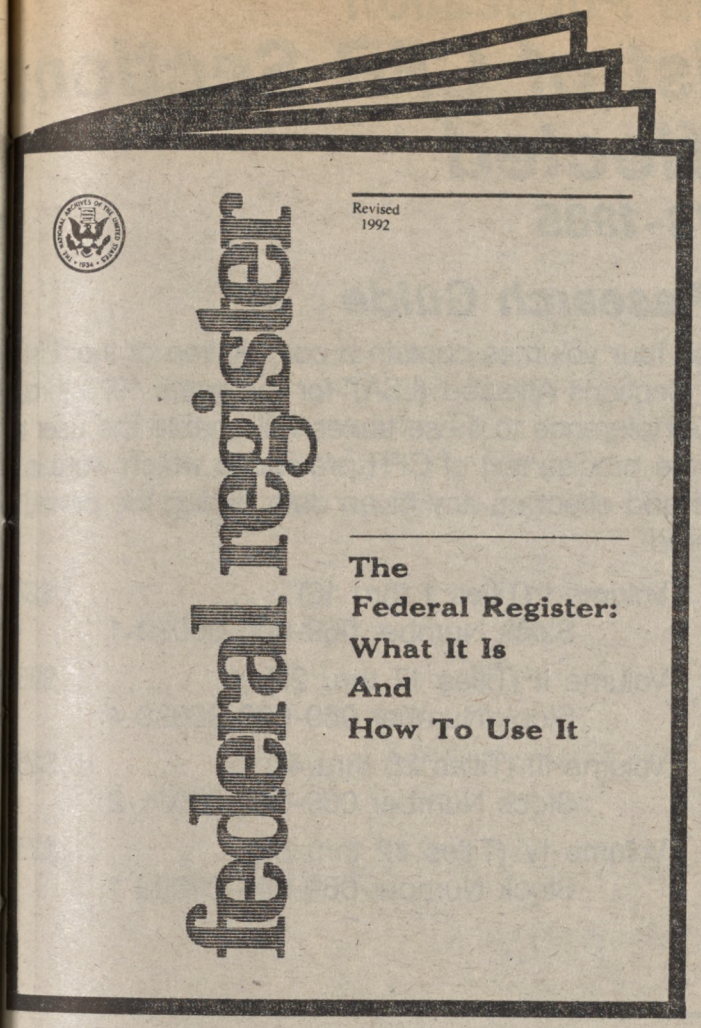

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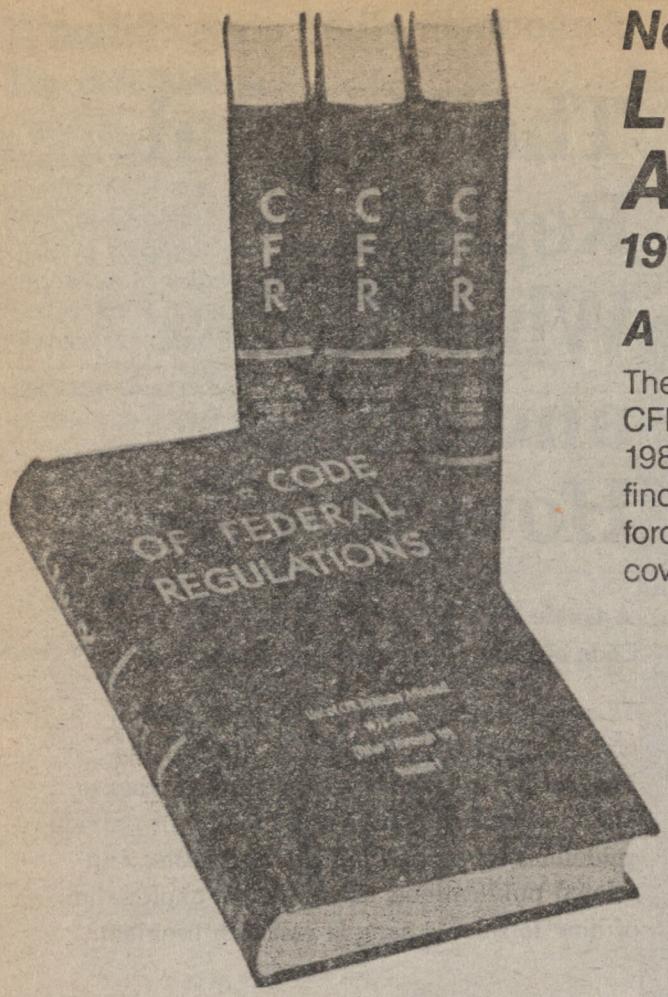

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