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Tuesday  
March 5, 1991

# Federal Register

**Briefing on How To Use the Federal Register**  
For information on a briefing in Washington, DC, see  
announcement on the inside cover of this issue.



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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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### WASHINGTON, DC

- WHEN:** March 28, at 9:00 a.m.
- WHERE:** Office of the Federal Register,  
First Floor Conference Room,  
1100 L Street NW., Washington, DC
- RESERVATIONS:** 202-523-5240

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Title 3—

Proclamation 6254 of March 1, 1991

The President

**In Commemoration of the 30th Anniversary of the United States Peace Corps****By the President of the United States of America****A Proclamation**

The generous spirit of the American people has produced in this country a great and long-standing tradition of voluntary service. During the past three decades, that tradition has been carried on with dramatic and far-reaching effect by the members of the United States Peace Corps.

Established in 1961 to reach out to foreign countries and to help meet their urgent needs for skilled manpower, the Peace Corps has brought a wealth of practical assistance to individuals and communities throughout the world. Since 1961, more than 125,000 Americans have served as Peace Corps volunteers in more than 100 countries. Peace Corps volunteers have not only helped to fill immediate and dire human needs but also helped to promote sustainable, long-term development in areas such as agriculture, business, education, urban development, health care, and the environment. They have done so by combining valuable material aid with efforts to help others gain the knowledge and skills needed to help themselves.

As Peace Corps volunteers well know, the needs of people in the world's emerging democracies and less developed nations are not simply material. In addition to the physical hunger found in some impoverished nations, there exists among many peoples an intense hunger for peace, hope, and opportunity—for genuine social and economic development that is rooted in respect for human rights and human potential. Recognizing the dignity and worth of all peoples and determined to help needy individuals help themselves, Peace Corps volunteers have served as influential emissaries of hope and goodwill. Accordingly, their generous humanitarian efforts have helped to foster mutual understanding and respect between the people of the United States and citizens of other countries.

Today the Peace Corps continues to expand its programs and activities throughout the world, including new programs in such countries as Mongolia, Poland, Hungary, Czechoslovakia, Namibia, and others.

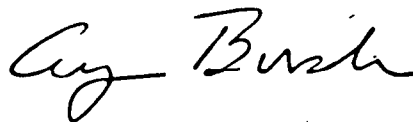
Respected for its work around the world, the Peace Corps also conducts a number of valuable programs here at home. For example, through programs such as World Wise Schools and Peace Corps Fellows/USA, Peace Corps volunteers are helping children in every State of our Nation to learn more about the world in which we live.

I am pleased to note that more and more Americans from all walks of life are joining in the work of the Peace Corps, whether as part of its diverse group of volunteers or through its growing partnerships with the public and private sectors. This trend is a tribute to the many past achievements of the Peace Corps, and it is a promising sign of more to come.

The Congress, by Senate Joint Resolution 76, has authorized and requested the President to issue a proclamation commemorating the 30th anniversary of the United States Peace Corps and commending its members for their generous service to humanity.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby urge all Americans to observe March 1, 1991—the 30th anniversary of the United States Peace Corps—with appropriate programs, ceremonies, and activities designed to honor Peace Corps volunteers, past and present, for their many contributions to our country and to the universal cause of peace and human progress.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.



[FR Doc. 91-5319

Filed 3-1-91; 3:14 pm]

Billing code 3195-01-M.

**Editorial note:** For the President's remarks of Mar. 1, 1991, on signing Proclamation 6254, see the *Weekly Compilation of Presidential Documents* (vol. 27, no. 9).

# Rules and Regulations

Federal Register

Vol. 56, No. 43

Tuesday, March 5, 1991

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 TRADE COMMISSION

### 16 CFR Part 305

#### Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule revision.

**SUMMARY:** The Federal Trade Commission's Appliance Labeling Rule requires that the table in § 305.9, which sets forth the representative average unit energy costs for five residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This document revises the table to incorporate the latest figures for average unit energy costs as published by DOE in the Federal Register on January 30 and February 11, 1991.

**DATES:** The revised paragraph (a) is effective March 5, 1991. The mandatory dates for using these revised DOE cost figures are detailed in the Supplementary Information section.

**FOR FURTHER INFORMATION CONTACT:** James Mills, Attorney, 202-326-3035 Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** On November 19, 1979, the Federal Trade Commission issued a final Appliance Labeling Rule (44 FR 66466) in response to a directive in section 324 of the Energy Policy and Conservation Act

("EPCA"), 42 U.S.C. 6201.<sup>1</sup> The rule requires the disclosure of energy efficiency or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that these energy costs or energy efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in § 305.9 of the rule sets forth the representative average unit energy costs to be used for all requirements of the rule. As stated in § 305.9(b), the Table is intended to be revised periodically on the basis of updated information provided by DOE.

On January 30 and February 11, 1991, DOE published the most recent figures for representative average unit energy costs (56 FR 3455 and 56 FR 5455). Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

The dates when use of the figures in revised Table 1 becomes mandatory in calculating cost disclosures for use in reporting, labeling and advertising products covered by the Commission's rule and/or EPCA are as follows:

*For 1991 Submissions of Data Under § 305.8 of the Commission's Rule:* The new cost figures must be used in all 1991 cost submissions.

*For Labeling and Advertising of Products Covered by the Commission's Rule:* Using 1991 submissions of estimated annual costs of operation based on the 1991 DOE cost figures, the staff will determine whether to publish new ranges. Any products for which new ranges are published must be labeled with estimated annual cost figures calculated using the 1991 DOE cost figures. If such new ranges are

<sup>1</sup> Since its promulgation, the rule has been amended twice to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987) and fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989).

published, the effective date for labeling new products will be ninety days after publication of the ranges in the Federal Register. Products that have been labeled prior to the effective date of any range modification need not be relabeled. Advertising for such products will also have to be based on the new costs and ranges beginning ninety days after publication of the new ranges in the Federal Register.

*Energy Usage Representations Respecting Products Covered by EPCA but not by the Commission's Rule:* Manufacturers of products covered by section 323(c) of EPCA, but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, humidifiers and dehumidifiers, pool heaters and space heaters) must use the 1991 representative average unit costs for energy in all representations beginning June 3, 1991.

#### List of Subjects is 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

#### PART 305—[AMENDED]

Accordingly, 16 CFR part 305 is amended as follows:

1. The authority citation for part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act, (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), the National Appliance Energy Conservation Act, (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988, (Pub. L. 100-357) 1988, 42 U.S.C. 6294; section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

2. Section 305.9(a) is revised to read as follows:

#### § 305.9 Representative average unit energy costs.

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1991)

Type of Energy	In common terms	As required by DOE test procedure	Dollar per million Btu <sup>1</sup>
Electricity .....	8.24¢/kWh <sup>2</sup> .....	\$0.0824/kWh .....	\$24.15
Natural Gas .....	60.54¢/therm <sup>4</sup> or .....	\$0.00000605/Btu .....	\$6.05
	\$6.23/MCF <sup>4</sup> .....		
No. 2 heating oil .....	\$1.29/gallon <sup>7</sup> .....	\$0.00000930/Btu .....	\$9.30
Propane .....	\$0.89/gallon <sup>8</sup> .....	\$0.00000974/Btu .....	\$9.74
Kerosene .....	\$1.02/gallon <sup>9</sup> .....	\$0.00000756/Btu .....	\$7.56

<sup>1</sup> Btu stands for British thermal unit.

<sup>2</sup> kWh stands for kilowatt hour.

<sup>3</sup> 1 kWh=3,412 Btu.

<sup>4</sup> 1 therm=100,000 Btu.

<sup>5</sup> MCF stands for 1,000 cubic feet.

<sup>6</sup> For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,029 Btu.

<sup>7</sup> For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 1,138,690 Btu.

<sup>8</sup> For the purposes of this table, 1 gallon of Liquid propane has an energy equivalence of 91,333 Btu.

<sup>9</sup> For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 136,000 Btu.

Donald S. Clark,  
Secretary.

[FR Doc. 91-5158 Filed 3-4-91; 8:45 am]

BILLING CODE 6750-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 240

[Release No. 34-28927]

RIN 3235-AD79

### Net Capital Rule

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule amendments.

**SUMMARY:** The Securities and Exchange Commission is amending that provision of its net capital rule under the Securities Exchange Act which deals with limitations on withdrawal of equity capital. The amendments will require a registered broker-dealer to notify, in writing, the Commission and certain other described persons two business days before making withdrawals of equity capital directly or indirectly to benefit certain described persons related to the broker-dealer if those withdrawals would exceed, in any 30 day period, 30 percent of the broker-dealer's excess net capital. A broker-dealer will also be required to notify the Commission within two business days after any withdrawals, advances or loans as described above that would exceed, in any 30 day period, 20 percent of the broker-dealer's excess net capital. Withdrawals of \$500,000 or less are exempt from the notification requirements of the rule amendments. In addition, the amendments will also prohibit withdrawals of equity capital, unless the broker-dealer has the prior consent of the Commission, if the effect

of the withdrawals would cause the broker-dealer's net capital to be less than 25 percent of its deductions required by the net capital rule as to its readily marketable securities. Finally, the amendments would permit the Commission, by order, to prohibit withdrawals of capital from a registered broker-dealer for a period of up to twenty business days, if the withdrawals would be in an amount greater than 30 percent of the broker-dealer's excess net capital and the Commission believes such withdrawals would be detrimental to the financial integrity of the firm or would unduly jeopardize the broker-dealer's ability to pay its customer claims or other liabilities. A broker-dealer subject to an order restricting withdrawals of capital may request a post-order hearing regarding the order. Although the amendments have been substantially modified to respond to several concerns raised by the commentators, the Commission does not believe it is necessary to re-propose the amendments for comment because all the changes relate to issues that were raised for public comment.

**EFFECTIVE DATE:** The amendments become effective May 6, 1991.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Macchiaroli, (202) 272-2904, Michael P. Jamroz, 272-2372 or Roger G. Coffin, (202) 272-2396, Division of Market Regulation, 450 Fifth Street NW., Washington, DC 20549.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

On August 15, 1990, the Commission published a release requesting comment on proposed amendments to the net capital rule which would place new limits on the withdrawal of equity capital from a broker-dealer.<sup>1</sup> The

proposal was a response to the Commission's concerns that significant amounts of equity capital could be withdrawn from a broker-dealer between reporting periods and that the early warning levels established in the net capital rule were set too low for certain broker-dealers. Currently, the owners of registered broker-dealers may cause substantial amounts of capital to be withdrawn from the broker-dealer without notifying the Commission or its examining authority if the withdrawal does not cause the broker-dealer's net capital to decline below the levels established under the rule.

The proposal had three parts. First, the proposal would have required a broker-dealer to give two business days advance written notice to the Commission and its examining authority if the broker-dealer planned to withdraw more than the greater of \$50,000 or 20 percent of its excess net capital in a 30 day period or 30 percent of its excess net capital in a 90 day period. Second, the Commission's proposal would have created an additional restriction against the withdrawal of capital when the effect of the withdrawal would have been to lower a broker-dealer's net capital below 30 percent of the firm's deductions related to its readily marketable securities if that number was greater than the broker-dealer's present early warning level. Third, the proposal would have permitted the Commission to restrict the withdrawal of capital from a specific broker-dealer for a period of up to twenty business days when the Commission believed the withdrawal would be detrimental to the financial integrity of the broker-dealer or might unduly jeopardize the firm's ability to pay its customers or creditors.

In response to the proposal, the Commission received many thoughtful comments from industry

<sup>1</sup> Securities Exchange Act Release No. 28347 (August 15, 1990), 55 FR 34027 (August 21, 1990).

representatives. Generally, the commentators to the proposal raised a number of concerns with the proposed amendments and their effect on the ability of firms to attract capital and to finance their activities. To lessen the effect on their business activities, the commentators also suggested alterations to the proposal. The writers also commented on several technical aspects of the proposal. The Commission believes that many of the comments were appropriate and has substantially amended its original proposal. The Commission also believes, however, that the basic concerns articulated in the proposing release are valid. The Commission believes the amendments as adopted will strike an appropriate balance between the need for increased early warning protection and the ability of broker-dealers to allocate their resources efficiently.

## II. The Net Capital Rule

The primary purpose of the net capital rule (Securities Exchange Act Rule 15c3-1; 17 CFR 240.15c3-1) is to protect customers and creditors of registered broker-dealers from monetary losses and delays when a broker-dealer fails. In this way, the rule acts to prevent systemic risk from the failure of a financial intermediary. The net capital rule requires registered broker-dealers to maintain sufficient liquid assets to enable firms that fall below the minimum net capital requirements set forth in the rule to liquidate in an orderly fashion without the need for a formal proceeding and at a reduced risk of customer loss.

A broker-dealer's net capital requirement is computed by deducting from net worth, among other things, the book value of illiquid assets and certain prescribed percentages from the market value of securities held in the proprietary accounts of the broker-dealer. These latter deductions are referred to as "haircuts." In the case of many firms, haircuts are substantial and require the broker-dealer to maintain significant amounts of capital (either in the form of equity capital or debt subordinated in accordance with the rule) to carry the positions in order to maintain net capital compliance.

Presently, the net capital rule requires a registered broker-dealer conducting a general securities business to maintain net capital in excess of the greater of \$25,000 or 6% percent of its liabilities and other obligations ("basic or aggregate indebtedness method"). If the broker-dealer makes an election under paragraph (f) of the net capital rule, it must maintain net capital in excess of the greater of \$100,000 or 2 percent of its

so called aggregate debit items ("alternative method"). These aggregate debit items generally may be thought of as a broker-dealer's customer-related receivables.<sup>2</sup>

Paragraph (e) of the net capital rule limits the withdrawal of equity capital from a registered broker-dealer by any stockholder or partner, or the making of unsecured advances or loans to any stockholder, partner or employee if the effect of such withdrawal, advance or loan would reduce the broker-dealer's net capital below certain specified levels, which are set at levels higher than the required minimums. These levels, in effect, serve as early warning levels to alert regulatory authorities that a broker-dealer is experiencing financial difficulty. The early warning levels also prevent the broker-dealer from favoring owners of the firm to the detriment of its customers or other creditors by placing restrictions on the withdrawal of equity capital. For example, the withdrawals cannot cause the broker-dealer's net capital to be less than, among other things, 120 percent of the applicable minimum dollar amount required under Rule 15c3-1. If the broker-dealer is computing its net capital requirement under the basic method, paragraph (e) prohibits the firm from making an unsecured loan, advance or withdrawal to benefit insiders if the effect thereof would cause the firm's aggregate indebtedness to exceed 1000 percent of its net capital. If the broker-dealer calculates its net capital requirement under the alternative method, it may not allow its net capital to be reduced by withdrawals, advances or unsecured loans to insiders to an amount lower than 5 percent of its aggregate debit items.

The problems unique to broker-dealers that operate within a holding company organization have come into focus in recent years and were dramatically illustrated in the failure of Drexel Burnham Lambert Group Inc. ("Drexel"), the holding company parent of the registered broker-dealer Drexel Burnham Lambert, Inc. ("DBL"). Drexel, like other large investment banking concerns, developed an organizational structure in which the registered broker-dealer DBL was one member of a number of subsidiaries and affiliates of Drexel conducting financial and securities activities, some of which were regulated by the Commission, others

were regulated by other agencies or were unregulated. Many broker-dealer holding companies rely on short-term unsecured financing to fund their activities. Drexel had over \$1 billion in commercial paper and other short-term borrowings outstanding which it needed to fund its day to day operations. As a result of significant losses and a decline in the rating of its commercial paper, Drexel found it difficult to renew its short-term borrowings. Drexel was then forced to look to the only liquid sources of capital in its assets—the excess net capital of DBL and an affiliated government securities dealer.

In a period of approximately three weeks, and without the knowledge of the Commission or the New York Stock Exchange Inc., (the "NYSE") DBL's designated examining authority, since no notice was required under then existing rules, approximately \$220 million was transferred from the broker-dealer to the holding company in the form of short-term loans. This action occurred during a period in which the default or financial problems of a number of issuers had adversely impacted the liquidity and pricing reliability in the high-yield securities market and raised difficulties in valuing a substantial portion of DBL's portfolio of securities for the purposes of determining capital compliance. Moreover, at the time the Commission became aware of Drexel's financial dilemma, Drexel or its affiliates had more than \$400 million in short-term liabilities coming due in the next two weeks and an additional \$330 million scheduled to mature in the next month.

Prior to the chapter 11 bankruptcy filing by Drexel, the Commission advised Drexel and DBL of its concerns regarding the previous withdrawals of capital by Drexel from DBL and an affiliated government securities dealer. Additionally, the Division of Market Regulation and the NYSE each sent letters to Drexel and DBL which resulted in Drexel's ceasing to withdraw further capital from DBL. However, had the Commission and the NYSE not intervened when they did, Drexel could have continued to extract funds from DBL until DBL's early warning level was reached. Especially in light of Drexel's precarious financial position and the uncertainty surrounding DBL's valuation of its high-yield portfolio, this would have created the risk that the broker-dealer's customers and counterparties would have been subjected to a liquidation under the Securities Investor Protection Act.

<sup>2</sup> More specifically, the broker-dealer must maintain net capital in excess of its aggregate debit items as computed in accordance with the Formula for Determination of Reserve Requirement for Brokers and Dealers contained in Securities Exchange Act Rule 15c3-3 (17 CFR 240.15c3-3).

### III. The Rule Amendments

#### A. General Comments

Several commentators questioned whether the amendments are necessary or an appropriate alternative to the effective enforcement of existing regulatory requirements. Some commentators pointed to the successful liquidation of DBL as evidence for the proposition that the Commission's financial responsibility rules already provide a satisfactory mechanism for monitoring and reacting to financial difficulties in a registered broker-dealer. Others argued that the amendments, insofar as they stem from the Drexel failure, are an overboard solution to a unique problem. The Drexel situation was distinctive, according to these commentators, because of the combination of a weak capital and financing structure at the holding company level with liquidity and pricing concerns relative to DBL's high-yield securities portfolio.

The Commission believes that, while the Drexel situation was ultimately resolved without any customer loss, it underlined the critical importance of providing the Commission with the necessary regulatory tools to prevent a repetition of similar events. In the case of Drexel, the Commission became aware of the nature and the severity of Drexel's financial problems after the staff of the Commission was informed by outside sources that a government securities dealer was prepared to inform government securities broker's brokers that the dealer would no longer trade in government securities with Drexel's government securities subsidiary. Such a step by a major securities firm relating to a primary dealer in the government securities market was highly unusual, and triggered the ensuing review by the Commission which identified the precarious financial condition of Drexel, DBL and the government securities dealer. The Commission believes the net capital rule should operate to provide assured notice of significant and sudden changes in the amount of capital that a firm has committed to supporting its operations and should contain provisions that will enable the Commission to respond to situations that arise in the future that raise similar concerns.

#### B. Early Warning Level Based on Haircuts

In proposing an early warning level based on 30 percent of a broker-dealer's haircuts, the Commission was concerned that the levels set in paragraph (e) of the net capital rule were not sufficient for broker-dealers

conducting a dealer business. The theory underlying the alternative method of calculating net capital is that the amount of customer debits a firm has will provide an approximation of its needs for a capital base. However, a broker-dealer conducting a dealer business may have relatively few customer debits. Therefore, its net capital requirement under the alternative method may be relatively low and not related to the size or risk of its dealer business. Because the early warning levels currently contained in paragraph (e) of the net capital rule are based on minimum net capital requirements, they too may be relatively low and not related to the risks inherent in the dealer business.

While some commentators recognized that the overall risk exposure of certain broker-dealers may be accurately reflected by an early warning level based on haircuts, other commentators argued that the haircuts test would, in effect, operate as a minimum net capital requirement instead of an early warning level because it would prohibit firms from distributing capital to affiliates once the threshold is reached. They argued that such a restriction was unnecessary because the haircuts on proprietary positions required by the rule already ensure that firms primarily engaged in proprietary trading are adequately capitalized. Those commentators also argued that creating an early warning level based on 30 percent of haircuts would unduly restrict broker-dealers' ability to apportion capital as business opportunities presented themselves. For this reason, a number of commentators suggested incorporating the 30 percent test into paragraph (e)(1) calling for notification only. These commentators also argued that 30 percent of haircuts was too high and that a lower number would sufficiently address the Commission's concerns about the potential liquidation of a failing broker-dealer.

The Commission believes that the net capital rule should be structured in a manner that would limit the ability of a broker-dealer that is holding proportionately large amounts of proprietary securities positions to its equity capital from withdrawing significant amounts of capital without reducing the risk related to those positions. However, unlike a minimum net capital requirement, the amendment would allow the broker-dealer to continue operations if its net capital declines below the specified percentage of haircuts. Moreover, a firm that is at or approaching the threshold level may begin to sell off some of its positions,

which will decrease the amount of its haircuts and tend to increase the amount of its net capital. Therefore, a firm wishing to make withdrawals may do so, once it has voluntarily reduced the amount of its securities positions.

The Commission has considered the arguments put forth by the commentators and has decided to lower the threshold percentage of haircuts from 30 percent to 25 percent. While the Commission acknowledges that any selection of a quantitative standard in this regard is necessarily imprecise, the Commission considers capital equal to 25 percent of haircuts to be a reasonable level at which a broker-dealer should be required to liquidate positions before withdrawing additional capital. As noted in the release proposing these amendments for comment, the Commission examined the net capital and haircut numbers of the twenty largest NYSE member firms in order to determine the appropriate percentage of haircuts to use as a restriction.

However, the Commission recognizes that there may be instances where it may be appropriate to allow a broker-dealer to withdraw funds in an amount that would reduce the firm's capital below 25 percent of the firm's haircuts. Therefore, the Commission is adopting the early warning level based on 25 percent of haircuts with a modification that permits the Commission to waive this restriction. Under the provision, as modified, a broker-dealer may obtain approval of the Commission in advance of any withdrawals that would lower the firm's net capital below 25 percent of its haircuts.<sup>3</sup> This will, the Commission believes, afford broker-dealers the necessary flexibility to conduct their businesses, while at the same time satisfying the Commission's regulatory objectives.

It should be noted that the Commission is adopting a new paragraph (e)(4)(iv) that clarifies a question raised by the commentators and specifies that any transaction between a broker-dealer and an affiliate or insider that results in a diminution of the broker-dealer's net capital would be considered a loan or an advance and would therefore be covered by the amendments.<sup>4</sup> The Commission believes

<sup>3</sup> The Commission does not anticipate granting waivers of the haircut restriction in the ordinary course of business. This provision is intended to apply in situations where a firm has commenced or is about to liquidate its securities positions. In these cases, the Commission anticipates that it will respond quickly to a request for a waiver in order to assist the expeditious wind-up of the broker-dealer's business.

<sup>4</sup> The Commission realizes that there may be instances where the registered broker-dealer makes

Continued

that this clarification is necessary to cover those instances where a broker-dealer seeks to transfer funds to an affiliate by selling or otherwise transferring assets to the affiliate.

### C. Notification Requirement

As proposed, the amendments to Rule 15c3-1 would have required broker-dealers to notify the Commission two days prior to any withdrawals that would exceed, in any 30 day period, the greater of \$50,000 or 20 percent of excess net capital or in any 90 day period, 30 percent of excess net capital. Several commentators argued that this requirement may provide an incentive for holding companies to minimize the amount of excess net capital maintained in the broker-dealer. Inducing a holding company to reduce the amount of excess net capital it maintains in its broker-dealer subsidiary would, it was asserted, diminish the ability of the broker-dealer to remain competitive in the securities markets, particularly in equity underwritings or government securities auctions. Furthermore, these commentators expressed the concern that a restriction on the ability of a holding company to access the excess net capital of a broker-dealer subsidiary would adversely impact rating agencies' perception of holding company liquidity and therefore, the market's evaluation of such organization's credit.

The Commission wishes to emphasize that the net capital maintained in a broker-dealer should be permanent capital and not merely a temporary infusion of funds from an affiliate or other sources. For example, there are instances where a broker-dealer receives funds from an affiliate in an amount that would enable the broker-dealer to engage in a transaction that it would otherwise be prohibited from doing because of minimum net capital requirements. If the funds are transferred back to the affiliate within a relatively short period of time after the transaction, the Commission questions whether the funds transferred into the broker-dealer entity could properly be characterized as capital of the firm. Instead, the transaction could be viewed as a loan by the affiliate to the broker-dealer, with the result that the broker-dealer would have to treat the transaction as a liability. Moreover, the

payments to employees or other persons affiliated with the broker-dealer. Since those payments could be considered expenses, and would thereby reduce the net worth and the net capital of the broker-dealer, they may fall within the scope of paragraph (e)(4)(iv). It should be noted that the new paragraph (e)(4)(iv) will not apply to and prevent broker-dealers' from paying such expenses incurred in the ordinary course of business.

Commission does not believe it is appropriate for holding companies to temporarily transfer funds into their broker-dealer subsidiaries for reporting or other purposes.<sup>5</sup>

The Commission is, however, sensitive to the concerns raised by the commentators concerning the impact of the amendments on the ability of firms to remain competitive both in the national and international markets. Furthermore, the Commission does not wish to unnecessarily interfere with or increase the costs of obtaining capital at the holding company level. In order to address these concerns, the Commission is adopting the notification provisions of the proposal in a modified form. The Commission has decided to employ the approach suggested by some of the commentators and create two notification categories. Under the final amendments, broker-dealers will be required to provide two business days advance notice of withdrawals that exceed, in any 30 day period, 30 percent of the broker-dealer's excess net capital. Broker-dealers will be required to provide notice within two business days after withdrawals that exceed, in any 30 day period, 20 percent of the broker-dealer's excess net capital.<sup>6</sup> The Commission notes that the time periods specified for calculating withdrawals under paragraph (e)(1) of the amendments have been standardized at 30 days. Additionally, the proposal has been altered to allow a broker-dealer to make withdrawals that would exceed 30 percent of its excess net capital without giving the advance notice required by the amendments if its designated examining authority approves the withdrawal in advance. This latter provision is intended to apply in

<sup>5</sup> The Commission expressed its concern about the temporary nature of broker-dealer capital in its Study of Unsafe and Unsound Practices of Brokers and Dealers. See Study of Unsafe and Unsound Practices of Brokers and Dealers, Report and Recommendations of the Securities and Exchange Commission, H.R. Doc. No. 231, 92d Cong., 1st Sess. 54 (1971). Additionally, the Division of Market Regulation has taken the position that funds temporarily deposited into a broker-dealer entity and withdrawn within a short period of time should be regarded as a loan and considered a liability of the broker-dealer. Under paragraph (c)(2)(ii) of Rule 15c3-1, only liabilities properly subordinated under appendix (D) can be added back to net worth in determining the net capital of the broker-dealer. See Letter from Nelson Kibler, Assistant Director, Division of Market Regulation to John Pinto, National Association of Securities Dealers, Inc. (September 8, 1980).

<sup>6</sup> However, under the final amendments, in those cases where a broker-dealer intends to withdraw capital in excess of 30 percent of its excess net capital, the firm will be required to provide the Commission two notices: The first two business days before the anticipated withdrawal and the second, two business days after the withdrawal has been made.

emergency situations and will provide a procedure whereby broker-dealers will be allowed to withdraw capital in order to take advantage of opportunities or respond to events that could not have been foreseen two business days in advance.

The amendments as proposed exempted withdrawals of capital of \$50,000 or less from the notification provisions of paragraph (e) without regard to the firm's excess net capital. The Commission believes that the \$50,000 exemption may generate an excessive amount of notices in instances where there is no substantial danger of systemic exposure and accordingly, has raised the number to \$500,000.

Various commentators pointed out that the proposed amendments might obstruct the ability of broker-dealers to transact commodities and securities transactions with affiliates. For example, commentators indicated that there are occasions when a registered broker-dealer will enter into a securities or commodities transaction with a foreign affiliate when the amount of the transaction would be greater than 20 percent of the broker-dealer's excess net capital. Because of time-zone differences or other reasons, the broker-dealer may not receive the securities or commodities until the following day, even though it has already made payment to its affiliate for the transaction. To the extent that these transactions would be considered loans or advances, and thus fall within the purview of paragraph (e) of the net capital rule, the broker-dealer would be unable to comply with the notification requirement because it will not know of the existence or status of the transaction two business days in advance. Because these types of transactions are beyond the scope of the amendments, the Commission has decided to exclude these transactions from the rule. Therefore, the rule provides that commodities and securities transactions between a broker-dealer and an affiliate are excluded from the notification provisions, if the broker-dealer receives payment for the transaction within two business days from the date of the transaction. The Commission believes two business days will provide ample time for firms to resolve these transactions.

The commentators also suggested other refinements to the proposed amendments that the Commission has decided to implement. Specifically, a number of commentators pointed out that the Commission's proposal would require broker-dealers to calculate excess net capital on a current basis in

order to determine whether a projected withdrawal would trigger the notification requirement. While broker-dealers are required to maintain compliance with the net capital rule at all times, broker-dealers with sufficient excess net capital perform on a daily basis only a general testing of positions, losses or other events that might result in a decrease of net capital from that which was previously reported. For the purposes of meeting daily net capital requirements, broker-dealers generally resolve questions in favor of maintaining additional capital, a practice the Commission encourages. Nonetheless, several commentators expressed concern that the proposed amendments would result in substantial implementation costs. These writers recommended that broker-dealers be permitted to use the amount of excess net capital and haircuts reported on the broker-dealer's most recent FOCUS report.<sup>7</sup> The Commission agrees with this approach and the rule as amended provides that broker-dealers may base their calculations, for the purposes of calculating the effect of a proposed withdrawal, on the amount of excess net capital and haircuts set forth in the most recently filed FOCUS report. The broker-dealer must assure itself however, that the numbers reported thereon have not materially changed.<sup>8</sup>

The Commission also has revised the language of the amendments in response to suggestions made by the commentators to clarify that the amount of withdrawals that should be used for comparison to the broker-dealer's excess net capital should be calculated on a net rather than on a gross basis. A broker-dealer would be entitled to offset the amount of loans, advances or withdrawals made to any of its insiders by the amount of payments received from any of those parties.

#### D. The Order Provision

The third amendment to the net capital rule proposed by the Commission would have given the Commission the authority, by order, to restrict the withdrawal of capital from a

broker-dealer by an insider of the firm for a period of up to twenty business days when the Commission believed that the withdrawal would be detrimental to the financial integrity of the broker-dealer or would unduly jeopardize the firm's ability to pay its customers or creditors. The Commission intended this section to be an emergency provision, applicable to only the most exigent of circumstances where the continued viability of a broker-dealer appeared to be at stake. The Commission believed it needed this power, in part to respond to future scenarios that are presently impossible to predict. Notwithstanding the need for the provision, the Commission, when it proposed the amendments, recognized the potential procedural problems that may be caused by the issuance of an order restricting withdrawals of capital, and specifically requested comment on this aspect of the rule.

The commentators expressed various concerns about the Commission's powers under this paragraph. Generally, the commentators had three objections to this paragraph.

As a threshold matter, it was questioned whether the Commission has the authority under sections 23(a) and 15(c)(3) of the Securities Exchange Act to adopt a rule amendment that would authorize the Commission to issue orders restricting the withdrawal of capital from a particular broker-dealer. The Commission, however, believes that there is ample authority under the Securities Exchange Act to adopt an amendment that would enable the Commission to, in emergency situations, temporarily restrict the withdrawal of capital from a broker-dealer. Congress has given the Commission broad authority under the Securities Exchange Act to establish safeguards with respect to the financial integrity of broker-dealers. The Drexel failure illustrates the type of development in which swift, emergency remedial powers are appropriate and necessary to protect the public interest. Some commentators argued that the Commission's authority to issue adjudicative orders under section 15(b)(4) of the Securities Exchange Act implies an absence of rulemaking authority to issue orders under sections 23(a) and 15(c)(3). However, unlike adjudicative orders issued by the Commission after notice and opportunity for hearing, an order temporarily restricting the withdrawal of capital from a broker-dealer in an emergency situation is not in the nature of an enforcement or disciplinary proceeding, but rather is intended to carry out the Commission's mandate

under section 15(c)(3) of the Securities Exchange Act to protect the financial responsibility of broker-dealers and the markets.

Additionally, it should be noted that the Commission has the authority to adopt a considerably more restrictive approach to equity capital withdrawals than contemplated by the amendments. The Commission could, for example, raise the current restriction on withdrawals of capital by insiders or affiliates under paragraph (e) of the net capital rule from 120 percent of the firm's minimum net capital requirement to 200 percent or higher, which would be applicable to all broker-dealers. Similarly, the Commission could restrict all withdrawals of capital by insiders or affiliates where the withdrawal exceeds 30 percent of the firm's excess net capital. The Commission believes the amendments, by authorizing temporary restrictions on capital withdrawal in emergency situations on a case-by-case basis (with the right to a post-order hearing), provides a more flexible and less burdensome means of accomplishing the Commission's regulatory objectives.<sup>9</sup> The Commission therefore believes that the authority conferred upon it by sections 23(a) and 15(c)(3) of the Securities Exchange Act is sufficiently broad to adopt the new paragraph (e)(3).<sup>10</sup>

<sup>7</sup> The Commission currently has the authority under the net capital rule to exercise a form of adjudication. Paragraph (b)(1) of Rule 15c3-1 contains a general exemption for certain specialists while reserving to the Commission the authority to suspend or revoke the exemption as it applies to a particular specialist upon ten days written notice if the Commission deems it appropriate in the public interest.

<sup>10</sup> The dissent refers to a proposed amendment to section 15(c)(3) contained in H.R. 4111, the House version of the bill that became the Securities Acts Amendments of 1975, that would have given the Commission authority "to order any broker or dealer or class thereof to restrict any of its activities[.]" and suggests that the fact that it was not enacted demonstrates that the Commission lacks authority to adopt paragraph (e)(3) of the rule. There is very little legislative history relating to the House's proposed amendments to section 15(c)(3), which are referred to in one place as "largely technical amendments", 121 Cong. Rec. 1744 (1975), and there is no explanation of the reason for the deletion of the portion of the amendments noted by the dissent. There is thus no basis for inferring that the provision was deleted because Congress did not intend for the Commission to adopt a provision such as the one considered here. See *Rastelli v. Warden, Metropolitan Correctional Center*, 782 F.2d 17, 24 n.3 (2d Cir. 1986) (court declined to draw any conclusion regarding Congressional intent from deletion of legislative language); *U.S. v. Stauffer Chemical Co.*, 864 F.2d 1174, 1184 (8th Cir. 1982) ("[T]he language of rejected alternative legislation is not entitled to great weight in construing legislation that was finally passed, since the court has no way of knowing what motivated the legislature to take such action.") Moreover, the

<sup>7</sup> Under Securities Exchange Act Rule 17a-5 (17 CFR 240.17a-5), registered broker-dealers are required to file reports containing certain financial and operational information with both their designated examining authority and the Commission. These reports are filed on the Financial and Operational Combined Uniform Single Report (commonly referred to as the FOCUS report).

<sup>8</sup> A broker-dealer may continue to rely on the most recently filed FOCUS report if it reasonably assures itself that the only change has been to either decrease the amount of deductions required by paragraph (c)(2)(vi), (f) and appendix A or to increase the amount of net capital.



Second, the commentators asserted that the Commission should more clearly articulate the standards under which an order could be granted. These commentators were concerned that the lack of a specifically defined set of circumstances under which the Commission could issue an order would provide the Commission with unlimited discretion. The Commission acknowledges that an unfettered ability to order restrictions on the withdrawal of capital would be undesirable. At the same time, the Commission believes that there is a need for a flexible provision that will be available when the specific early warning levels already set forth in the rule prove to be, for some reason, unsatisfactory.

Therefore, in order to balance the opposing needs for flexibility and certainty, the Commission is adopting a revised order paragraph. The Commission's ability to enter an order restricting a firm from withdrawing capital to benefit its insiders will only apply in those instances where a firm is about to make a withdrawal of capital that, along with other withdrawals during a 30 day period, exceeds 30 percent of the broker-dealer's excess net capital, and may be used only to prevent a withdrawal in excess of that 30 percent. This requirement coincides with the advance notification threshold under paragraph (e)(1) of the net capital rule. Even where this threshold is reached, the Commission must make a separate finding that the withdrawal may be detrimental to the financial integrity of the broker-dealer or may unduly jeopardize the firm's ability to repay its customer claims or other liabilities which may cause a significant impact on the markets or expose the customers or creditors of the broker-dealer to loss. To continue to restrict withdrawals, however, additional orders will have to be issued by the Commission, each with a term of no more than twenty business days. Additionally, the power of issuing an order resides with the Commission and has not been delegated to the staff of the Commission.

The Commission believes that this standard is adequately refined in order to allow registered broker-dealers a level of certainty in their business affairs while maintaining the essential flexibility needed by the Commission to respond to future financial emergencies involving broker-dealers.

earlier legislative history of section 15(c)(3) indicates a particular Congressional concern with broker-dealer capital withdrawals. See Senate Securities Study, Senate Committee on Banking, Housing and Urban Affairs, Subcommittee on Securities, 93d Cong., 1st Sess. at 164 (Comm. Print 1973).

The commentators also recommended that the Commission expressly provide for a post-order hearing. The Commission is sensitive to the due process and procedural considerations of the order procedure. The Commission believes that a broker-dealer subject to an emergency order restricting the withdrawal of capital should be entitled to a hearing that would satisfy due process requirements. Accordingly, the Commission has revised the rule to provide for a post-order hearing to be held within two business days from the request for a hearing by the affected firm. In the hearing, broker-dealers will be able to present information concerning their financial condition or any other information they deem relevant to the Commission's decision. The order prohibiting the withdrawal of capital will be rescinded if the Commission determines, after the hearing, that the prohibition should not continue in effect.

#### IV. Summary of Final Regulatory Flexibility Analysis

The Commission has prepared a Final Regulatory Flexibility Analysis ("Analysis") in accordance with 5 U.S.C. 604 regarding the amendments to Rule 15c3-1. The Analysis notes that the objective of the amendments is to further the purposes of the various financial responsibility rules which provide safeguards with respect to the financial responsibility and related practices of broker-dealers. Smaller broker-dealers will generally not be affected because the new early warning level based on a percentage of haircuts will usually not be greater than their present early warning levels. Moreover, a broker-dealer may withdraw capital of up to \$500,000 without triggering the notice provisions provided that the withdrawal would not pull the firm below its other early warning levels. In sum, the Analysis states that the amendments would affect the ability of broker-dealers to distribute capital to related parties. The amendments are designed to prevent insiders from withdrawing capital from the registered broker-dealer in order to benefit the parent or its ultimate owners to the detriment of the customers and creditors of the broker-dealer. A copy of the Analysis may be obtained by contacting Roger G. Coffin, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, (202) 272-2396.

#### V. Statutory Analysis

Pursuant to the Securities Exchange Act of 1934 and particularly sections 15(c)(3), 17 and 23 thereof, 15 U.S.C.

78o(c)(3), 78q and 78w, the Commission is amending 240.15c3-1 of title 17 of the Code of Federal Regulations in the manner set forth below.

#### VI. List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements; Securities.

#### VII. Text of the Amendments

In accordance with the foregoing, title 17, chapter II, part 240 of the Code of Federal Regulations is amended as follows:

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 is amended by adding the following citation:

Authority: 15 U.S.C. 77c, 77d, 77s, 78c, 78d, 78l, 78j, 78l, 78m, 78n, 78o, 78p, 78a, 78w, 78x, 78q, 79t, 80a-29, 80a-37, unless otherwise noted. \* \* \* 240.15c3-1 is also issued under secs. 15(c)(3), 15 U.S.C. 78o(c)(3).

2. By revising paragraph (e) to § 240.15c3-1 as follows:

#### § 240.15c3-1 Net capital requirements for brokers or dealers.

\* \* \* \* \*

(e)(1) *Notice provisions relating to limitations on the withdrawal of equity capital.* No equity capital of the broker or dealer or a subsidiary or affiliate consolidated pursuant to appendix C (17 CFR 240.15c3-1c) may be withdrawn by action of a stockholder or a partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, employee or affiliate without written notice given in accordance with paragraph (e)(1)(iv) of this section:

(i) Two business days prior to any withdrawals, advances or loans if those withdrawals, advances or loans on a net basis exceed in the aggregate in any 30 calendar day period, 30 percent of the broker or dealer's excess net capital. A broker or dealer, in an emergency situation, may make withdrawals, advances or loans that on a net basis exceed 30 percent of the broker or dealer's excess net capital in any 30 calendar day period without giving the advance notice required by this paragraph, with the prior approval of its Examining Authority. Where a broker or dealer makes a withdrawal with the consent of its Examining Authority, it shall in any event comply with paragraph (e)(1)(ii) of this section; or

(ii) Two business days after any withdrawals, advances or loans if those withdrawals, advances or loans on a net basis exceed in the aggregate in any 30 calendar day period, 20 percent of the broker or dealer's excess net capital.

(iii) This paragraph (e)(1) does not apply to:

(A) Securities or commodities transactions in the ordinary course of business between a broker or dealer and an affiliate where the broker or dealer makes payment to or on behalf of such affiliate for such transaction and then receives payment from such affiliate for the securities or commodities transaction within two business days from the date of the transaction; or

(B) Withdrawals, advances or loans which in the aggregate in any thirty calendar day period, on a net basis, equal \$500,000 or less.

(iv) Each required notice shall be effective when received by the Commission in Washington, DC, the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the broker or dealer's Examining Authority and the Commodity Futures Trading Commission, if such broker or dealer is registered with that Commission.

(2) *Limitations on Withdrawal of equity capital.* No equity capital of the broker or dealer or a subsidiary or affiliate consolidated pursuant to appendix C (17 CFR 240.15c3-1c) may be withdrawn by action of a stockholder or a partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, employee or affiliate, if after giving effect thereto and to any other such withdrawals, advances or loans and any Payments of Payment Obligations (as defined in appendix D (17 CFR 240.15c3-1d)) under satisfactory subordination agreements which are scheduled to occur within 180 days following such withdrawal, advance or loan if:

(i) The broker or dealer's net capital would be less than 120 percent of the minimum dollar amount required by paragraph (a) of this section;

(ii) The broker-dealer is registered as a futures commission merchant, its net capital would be less than 7 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder (less the market value of commodity options purchased by option customers on or subject to the rules of a contract market, each such deduction not to exceed the

amount of funds in the option customer's account);

(iii) The broker-dealer's net capital would be less than 25 percent of deductions from net worth in computing net capital required by paragraphs (c)(2)(vi), (f) and appendix A, of this section, unless the broker or dealer has the prior approval of the Commission to make such withdrawal;

(iv) The total outstanding principal amounts of satisfactory subordination agreements of the broker or dealer and any subsidiaries or affiliates consolidated pursuant to appendix C (17 CFR 240.15c3-1c) [other than such agreements which qualify as equity under paragraph (d) of this section] would exceed 70% of the debt-equity total as defined in paragraph (d) of this section;

(v) The broker or dealer is subject to the aggregate indebtedness limitations of paragraph (a) of this section, the aggregate indebtedness of any of the consolidated entities exceeds 1000 percent of its net capital; or

(vi) The broker or dealer is subject to the alternative net capital requirement of paragraph (f) of this section, its net capital would be less than 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3-3a.

(3)(i) *Temporary Restrictions on Withdrawal of Net Capital.* The Commission may by order restrict, for a period up to twenty business days, any withdrawal by the broker or dealer of equity capital or unsecured loan or advance to a stockholder, partner, sole proprietor, employee or affiliate if such withdrawal, advance or loan:

(A) When aggregated with all other withdrawals, advances or loans on a net basis during a 30 calendar day period exceeds 30 percent of the broker or dealer's excess net capital; and

(B) The Commission, based on the facts and information available, concludes that the withdrawal, advance or loan may be detrimental to the financial integrity of the broker or dealer, or may unduly jeopardize the broker or dealer's ability to repay its customer claims or other liabilities which may cause a significant impact on the markets or expose the customers or creditors of the broker or dealer to loss without taking into account the application of the Securities Investor Protection Act.

(ii) An order temporarily prohibiting the withdrawal of capital shall be rescinded if the Commission determines that the restriction on capital withdrawal should not remain in effect. The hearing will be held within two business days from the date of the

request in writing by the broker or dealer.

(4)(i) *Miscellaneous provisions.* Excess net capital is that amount in excess of the amount required under paragraph (a) of this section. For the purposes of paragraphs (e)(1) and (e)(2) of this section, a broker or dealer may use the amount of excess net capital and deductions required under paragraphs (c)(2)(vi), (f) and appendix A of this section reported in its most recently required filed Form X-17A-5 for the purposes of calculating the effect of a projected withdrawal, advance or loan relative to excess net capital or deductions. The broker or dealer must assure itself that the excess net capital or the deductions reported on the most recently required filed Form X-17A-5 have not materially changed since the time such report was filed.

(ii) The term equity capital includes capital contributions by partners, par or stated value of capital stock, paid-in capital in excess of par, retained earnings or other capital accounts. The term equity capital does not include securities in the securities accounts of partners and balances in limited partners' capital accounts in excess of their stated capital contributions.

(iii) Paragraphs (e)(1) and (e)(2) of this section shall not preclude a broker or dealer from making required tax payments or preclude the payment to partners of reasonable compensation, and such payments shall not be included in the calculation of withdrawals, advances, or loans for purposes of paragraphs (e)(1) and (e)(2) of this section.

(iv) For the purpose of this paragraph (e) of this section, any transaction between a broker or dealer and a stockholder, partner, sole proprietor, employee or affiliate that results in a diminution of the broker or dealer's net capital shall be deemed to be an advance or loan of net capital.

\* \* \* \* \*

February 28, 1991.

By the Commission,  
Margaret H. McFarland,  
Deputy Secretary.

**Dissenting Statement of Commissioner Fleischman**

I dissent from the adoption of paragraph (e)(3) of Rule 15c3-1. Its ends are salutary and susceptible of accomplishment by properly-crafted Commission rule, but its means are no more authorized by the Exchange Act than would be a one-sentence Rule 15c3-1 stating that every broker-dealer shall maintain such net capital as the Commission prescribes for it by order.

"In some areas particular regulatory requirements, whether created by statute or

regulations, may impose costs that far exceed any public benefits derived therefrom." <sup>1</sup> Paragraph (e)(3) creates just such a requirement. Having provided responsible early-warning levels in paragraph (e)(1) and appropriate notification procedures in paragraph (e)(2), the Commission had to decide whether, and if so how, to deal with the circumstance described in the Release as "emergency" <sup>2</sup> and described by the Chairman as involving "a serious question \* \* \* as to whether [a] broker-dealer is transferring excess net capital, or whether in fact it is transferring capital that is part of net capital, not indeed, 'excess'." <sup>3</sup>

The costs of the Commission's decision to adopt paragraph (e)(3) in its present form are the uncertainty cost and the statutory rupture introduced by an *ad hominem* "order" procedure in implementation of (1) a statutory subsection that, like several provisions of the Exchange Act (and in direct contrast to its sister subsections), <sup>4</sup> prohibits broker-dealer activities "in contravention of such rules and regulations as the Commission shall prescribe" <sup>5</sup> for all persons similarly situated, and (2) an empowering provision that authorizes "rules and regulations" <sup>6</sup> but (unlike the Public Utility Holding Company Act, Trust Indenture Act, and Investment Company and Investment Advisers Acts <sup>7</sup>) not adjudicatory-type "orders". Specification of "rules and regulations" as the general modality of Commission action under the Exchange Act dates back to the bills first introduced into the House and Senate in 1934. <sup>8</sup> Where an "order" procedure was desired, as in the disciplining of exchanges, <sup>9</sup> that procedure was specified in each bill along with provision for judicial review at the instance of "[a]ny person aggrieved by an order \* \* \*." <sup>10</sup> The Senate Banking and

Currency Committee Report, in prescribing that "considerable latitude [be] allowed for the exercise of administrative discretion," also specifically noted that: "Of course, well defined limits must be indicated within which the authority of such administrative authority [sic] may be exercised." <sup>11</sup> Section 15, which had been a one-paragraph "rules and regulations" section in the original Act, was divided into three subsections in 1938, with an "order" procedure added in subsection (b) but "rules and regulations" retained in subsection (c). <sup>12</sup> Subsection (c) itself was divided in three by the Maloney Act in 1938, with all three paragraphs retaining "rules and regulations" <sup>13</sup> although the new section 15A (with which the Maloney Act is identified used "order" as the prevalent modality for Commission action. <sup>14</sup> The final amendments relevant here were made in 1975, when (1) specific provision to "establish minimum financial responsibility requirements for all brokers and dealers" was added to the final sentence ("Such rules and regulations shall require \* \* \*") of section 15(c), <sup>15</sup> and (2) section 23(a) was amended, *inter alia*, to state that the general rulemaking authority encompassed "prescrib[ing] greater, lesser or different requirements for different classes" of persons, transactions, etc., <sup>16</sup> and the Conference Report, in the direct context of Commission rulemaking authority concerning minimum broker-dealer capital requirements, specifically referred to that amendment using those very words. <sup>17</sup> Most significantly, the House considered (in 1973-74) and passed (in 1975) an amendment to section 15(c)(3) that would have given the Commission authority "to order any broker or dealer or class thereof to restrict any of its activities" upon certain findings <sup>18</sup>; in its official Comments to the House Subcommittee on Commerce and Finance in 1973, the Commission stated, with respect to the proposed "order" authority: "[W]e believe that this is a desirable power to have, because it would allow the Commission great flexibility to restrict individual firms on a case-by-case basis \* \* \*," <sup>19</sup> but the amendment was

nevertheless omitted from the Act as agreed to in conference.

The benefits of the Commission's decision to create an "order" process by adopting paragraph (e)(3) in its present form are difficult to comprehend, in view of the Chairman's own testimony before the House Subcommittee on Telecommunications and Finance in April of last year:

"[T]he issuance of a temporary cease-and-desist order would be appropriate where emergency action is necessary to ensure that a registered broker-dealer maintains sufficient net capital. For example, the financial failure of Drexel Burnham Lambert Group, Inc., although it did not result in investor losses, illustrates the type of situation in which temporary cease-and-desist authority would facilitate the Commission's ability to take prompt action for the purpose of protecting investor assets. Given the highly technical nature of the issues involved in such cases, it may be difficult or impossible to obtain emergency judicial relief in time to be effective. The Commission, as the financial regulator that monitors the operations of broker-dealers and has the most expertise in measuring the adequacy of their capital, should be empowered to take emergency action in appropriate circumstances." <sup>20</sup>

With the omission of a portion of the third sentence above quoted, the words of that testimony were adopted almost *in haec verba* both by the House Energy and Commerce Committee <sup>21</sup> and by the Senate Banking, Housing, and Urban Affairs Committee <sup>22</sup> in their respective reports on the bill that resulted from the Chairman's testimony. "Emergency" authority, for this very purpose, was specifically asked and given.

The Committee avidly took authorization from the House and Senate Committees (indeed, it quite apparently presented the very language of the Committee Reports) and now substitutes a spurious process for the one deliberately bestowed by the Congress and signed into law by the President. For that questionable process the Committee first asserts its plenary authority under *Chevron* <sup>23</sup> to construe its fundamental statutes, and then, lest some chink be left unplastered, structures the process so as to reserve to itself the capacity to thwart appellate review by rendering the initial order

<sup>20</sup> Testimony of Richard C. Breeden, Chairman, U.S. Securities and Exchange Commission, Concerning H.R. 4497, The "Penny Stock Reform Act of 1990", before the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce, United States House of Representatives (April 25, 1990).

<sup>21</sup> H.R. Rep. 101-616, 101st Cong., 2d Sess., at 26.

<sup>22</sup> Sen. Rep. 101-337, 101st Cong., 2d Sess., at 20.

<sup>23</sup> *Chevron, U.S.A., Inc. v. Natural Resources Defense Council*, 467 U.S. 837 (1984).

<sup>1</sup> *Blueprint for Reform: The Report of the Task Group on Regulation of Financial Services* (July 1964) (the "Bush Task Force Report").

<sup>2</sup> Accompanying Release at ILLD., first, third and fourth paragraphs.

<sup>3</sup> Tape recording of SEC public meeting held February 20, 1991, at tape 1.

<sup>4</sup> Securities Exchange Act Section 15(a)(2) "by rule or order"; Section 15(b)(1)(A) "by order"; Sections 15(b) (4), (5) and (6) "by order"; Section 15(b)(8) "by rule or order"; Section 15(c)(4) "an order". Sections 15(b)(4) (D) and (E), the general broker-dealer disciplinary provisions, provide only for discipline of a broker or dealer that has violated the "rules or regulations", not the orders, under the statutes administered by the Commission.

<sup>5</sup> Securities Exchange Act Section 15(c)(3).

<sup>6</sup> Securities Exchange Act Section 23(a).

<sup>7</sup> Public Utility Holding Company Act Section 20(a); Trust Indenture Act Section 319(a); Investment Company Act Section 38(a); Investment Advisers Act Section 211(a).

<sup>8</sup> H.R. 9323, 73rd Cong., 2d Sess., Section 22(a), and also *inter alia* Section 14, "Over-the-Counter Markets"; S. 3420, 73rd Cong., 2d Sess., Section 4(b), and also *inter alia* Section 15.

<sup>9</sup> H.R. 9323, 73rd Cong., 2d Sess., Section 18; S. 3420, 73rd Cong., 2d Sess., Section 19.

<sup>10</sup> H.R. 9323, 73rd Cong., 2d Sess., Section 24; S. 3420, 73rd Cong., 2d Sess., Section 24.

<sup>11</sup> Sen. Rep. 792, 73rd Cong., 2d Sess., at 5.

<sup>12</sup> Pub. L. 74-621, 49 Stat. 1375, Section 3 (May 27, 1936).

<sup>13</sup> Pub. L. 75-719, 52 Stat. 1070, Section 2 (June 25, 1938).

<sup>14</sup> Pub. L. 75-719, 52 Stat. 1070, Section 1 (June 25, 1938).

<sup>15</sup> Pub. L. 94-29, 89 Stat. 97, Section 11(3) (June 4, 1975).

<sup>16</sup> Pub. L. 94-29, 89 Stat. 97, Section 18 (June 4, 1975) (emphasis added).

<sup>17</sup> H.R. Rep. 94-228, 94th Cong., 1st Sess., at 104.

<sup>18</sup> Section 15(c)(3)(B), as proposed to be added to the Securities Exchange Act by H.R. 5050, Section 304, 93rd Cong., reintroduced and passed by the House as H.R. 4111, Section 204, 94th Cong., 1st Sess. (emphasis added).

<sup>19</sup> Hearings before the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce, House of Representatives, 93rd Cong., 1st Sess., on H.R. 5050 and H.R. 340, at 470 (Comments of the Securities and Exchange Commission on H.R. 5050 (Titles II, III, and V)) (June 12, 1973).

moot after twenty days (with or without Commission decision at hearing) only to be able to renew the proceeding at will thereafter on a "detrimental" standard. Peculiarly, the Commission turned to this alien process and adopted this provision without a single reference in the Release to the section 19(b)(1) filing (made in May of last year)<sup>24</sup> of the New York Stock Exchange, the self-regulatory organization that is the designated examining authority under Rule 17d-1 for most of the principal broker-dealers, proposing a notification provision, or to the rule<sup>25</sup> of that Exchange that was actually applied last year, under the broad scope of the membership Constitution of the Exchange, to prohibit outflow of funds.

By its adoption of the "order" procedure of paragraph (e)(3) the Commission confirms, today, that ever more regulatory authority is its goal and ever more administrative discretion is its chosen tool; that in that pursuit it will elasticize any scrap of helpful legislative wording while overriding every consistency in inhibitory statutory structure; and that it is willing to put forward the virtual minimum of due process mechanics as camouflage for the maximum of discretionary regulatory intrusion.

I recur, finally, to the Bush Task Force Report:

"Lacking any new Congressional direction [which, as shown above, is not the Commission's circumstance], the agencies \* \* \* must fashion an appropriate action from agency 'policy.' However, where agency actions are guided by self-defined policy rather than express provisions of law, serious burdens can be created for private [regulated] parties where they are unable to predict agency actions \* \* \*."<sup>26</sup>

Applicability of rules is predictable; proceeding by "order" is *ad hoc* and uncertain, particularly on a standard as vague as "may be detrimental \* \* \* or may unduly jeopardize \* \* \* which may cause \* \* \* or [may] expose \* \* \*." The Commission's action today is self-defined agency policy at its most egregious, with increase in the Commission's authority and discretion as its unspoken justification.

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<sup>24</sup> File No. SR-NYSE-90-26, Securities and Exchange Act Release No. 28083, 46 SEC Docket 573 (June 1, 1990).

<sup>25</sup> New York Stock Exchange Rule 325(d). My views on the proper S.E.C.-S.R.O. relationship are set forth in Fleischman, "The 'Unique Partnership' between the S.E.C. and the Self-Regulatory Organizations" (July 29, 1988).

<sup>26</sup> Bush Task Force Report at 30.

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

#### Exempt Chemical Preparations

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** This interim rule amends § 1308.24 of title 21 of the Code of Federal Regulations. The attached list of chemical preparations and mixtures which contain controlled substances replace the list of exempt chemical preparations set forth in § 1308.24(i). This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA. Preparations included in the list are exempted from the application of specific provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations.

**DATES:** *Effective date:* March 5, 1991. Comments must be submitted on or before April 4, 1991.

**ADDRESSES:** Comments should be submitted to Howard McClain, Jr., Chief, Drug & Chemical Evaluation Section, Washington, DC 20537.

**FOR FURTHER INFORMATION CONTACT:** Howard McClain, Jr., Chief, Drug & Chemical Evaluation Section, Telephone (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.

The Deputy Assistant Administrator of the Drug Enforcement Administration's Office of Diversion Control has received applications pursuant to § 1308.23 of title 21 of the Code of Federal Regulations requesting approval of exempt status provided for in 21 CFR 1308.24. The Deputy Assistant Administrator hereby finds that each of

the following preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Deputy Assistant Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of the researchers, chemical analysts, and suppliers of these products.

The Deputy Assistant Administrator for the 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. The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from certain sections of the Controlled Substances Act of 1970 and its regulations.

It has been determined that these changes are internal matters which do not require formal OMB review.

#### List of Subjects in 21 CFR Part 1308

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

Dated: February 21, 1991.

**Gene R. Haislip,**

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

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 Deputy Assistant Administrator of the Drug Enforcement Administration, Office of Diversion Control, pursuant to

47 FR 43370, the Deputy Assistant Administrator of the Office of Diversion Control hereby amends 21 CFR part 1308 as set forth below.

**PART 1308—SCHEDULE OF CONTROLLED SUBSTANCES**

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

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

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

**§ 1308.24 Exempt chemical preparations.**

\* \* \* \* \*  
(i) \* \* \*

**Exempt Chemical Preparations**

Supplier	Product	Form of Product	Date
Abbott Laboratories.....	125I Cholyglycyltyrosine Reagent Solution, No. 7816.	Plastic Bottle: 20ml .....	04/07/78
Abbott Laboratories.....	ADx Benzoylcegonine Fluorescein Tracer Solution.	Bottle:3.2 ml.....	12/02/86
Abbott Laboratories.....	ADx Cannabinoids Fluorescein Tracer Solution.....	Bottle:3.2ml .....	12/02/86
Abbott Laboratories.....	ADx Cannabinoids Reagent Pack (No. 9671-55).....	Reagent Pack:50 tests.....	12/02/86
Abbott Laboratories.....	ADx Cocaine Metabolite Fluorescein Tracer Solution, No. 9670-T, No. 9670T0013.	Vial: 3.2ml, Kit: 100 vials .....	04/18/89
Abbott Laboratories.....	ADx Cocaine Metabolite Reagent Pack, No. 9670-55.	50 Test Unit.....	04/18/89
Abbott Laboratories.....	ADx Opiates Fluorescein Tracer Solution, No. 9673-T, No. 9673T0013.	Vial: 3.2ml, Kit: 100 vials .....	04/18/89
Abbott Laboratories.....	ADx Opiates Reagent Pack, No. 9673-55.....	50 Test Unit .....	04/13/89
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.....	Amphetamine Bulk Calibrators, B-F.....	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/09/85
Abbott Laboratories.....	Amphetamine Bulk Controls, L and H.....	Flask: 2 liter.....	12/09/85
Abbott Laboratories.....	Amphetamine Class Bulk Calibrator B-F.....	Carboy: 10 liters; Flask: 6 liters, 2 liters, 1 liter, 250 ml, 200 ml.	03/01/88
Abbott Laboratories.....	Amphetamine Class Bulk Control L and H.....	Carboy: 10 liters; Flask: 6 liters, 2 liters, 1 liter, 250 ml, 200 ml.	03/01/88
Abbott Laboratories.....	Amphetamine Class Bulk Tracer: No. 94699.....	Carboy: 10 liters; Flask: 6 liters, 2 liters.....	03/01/88
Abbott Laboratories.....	Amphetamine Class QC Primary B-F,L,M,H No. 9667 (B-F,L,M,H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories.....	Amphetamine Class Stock Tracer: No. 94700.....	Bottle: 30 ml.....	03/01/88
Abbott Laboratories.....	Amphetamine Stock Standard No. 97072, 97072 A-B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories.....	Amphetamine Stock Standard, No. 97072.....	Bottle: 125ml.....	09/30/85
Abbott Laboratories.....	Amphetamine/ Metamphetamine QC Primary Bulk Control M, No. 9668-M.	Flasks: 1 liter, 250 ml, and 200 ml.....	11/10/87
Abbott Laboratories.....	Amphetamine/ Methamphetamine (II) QC Primary B-F,L,M,H No. 1A99 (B-F,L,M,H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories.....	Amphetamine/ Methamphetamine II Bulk Calibrators B-F Code No. 1A99 (B-F).	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
Abbott Laboratories.....	Amphetamine/ Methamphetamine II Calibrators B-F No. 1A99 B-F.	5 ml Vial.....	08/26/88
Abbott Laboratories.....	Amphetamine/ Methamphetamine II Calibrators No. 1A99-01.	Kit: 6 Vials .....	08/26/88
Abbott Laboratories.....	Amphetamine/ Methamphetamine II Controls (L,M,H) No. 1A99-L,M,H.	5 ML Vial .....	08/26/88
Abbott Laboratories.....	Amphetamine/ Methamphetamine II Controls No. 1A99-10.	Kit: 3 Vials .....	08/26/88
Abbott Laboratories.....	Amphetamine/ Methamphetamine QC Primary B-F,L,M,H No. 9668 (B-F,L,M,H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories.....	Amphetamine/ Methamphetamine QC Primary Standard Control M, No. 9668-M.	Bottle:5 ml .....	11/10/87
Abbott Laboratories.....	Amphetamine/Methamphetamine II Bulk Controls, No. 1A99X,Y,Z.	Carboy: 20L, 10L, Flask: 6L; 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories.....	Amphetamine/Methamphetamine II Control X,Y,Z; NO. 1A99-02,03,04.	Kit: 100 vials.....	01/19/89
Abbott Laboratories.....	Amphetamine/Methamphetamine II Control X,Y,Z; No. 1A99X,Y,Z.	Vial: 5ml .....	01/19/89
Abbott Laboratories.....	Amphetamine/Methamphetamine II bulk Calibrator B,C,D,E,F; No. 01A99-B,C,D,E,F.	Carboy: 20L, 10L, 6L, 2L, 1L, 250ml, 200ml .....	07/14/89
Abbott Laboratories.....	Amphetamine/Methamphetamine II bulk Control L,M,H; No. 01A99-L,M,H.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	07/14/89
Abbott Laboratories.....	Barbital Buffer, 0.06 M Reagent Solution No. 7824.	Plastic Bottle: 2.5ml .....	04/07/78
Abbott Laboratories.....	Barbiturate II U Control L,M,H; No. 9669 L,M,H-11.	Bottle: 5 ml.....	10/17/89
Abbott Laboratories.....	Barbiturates Bulk Calibrator B-F No. 9669 B-F.....	Carboy: 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: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories.....	Barbiturates Control X,Y,Z; No. 9669X,Y,Z.....	Vial: 5ml.....	01/19/89

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Abbott Laboratories	Barbiturates II U Bulk Calibrators B-F; No. 9669 B-F-05.	Carboy: 20L, 19L, 10L, 9.5L, 6L, 4L, 2L, 1L, Flask: 250ml, 200ml.	10/17/89
Abbott Laboratories	Barbiturates II U Bulk Controls L,M,H; No. 9669 L,M,H - 11.	Carboy: 20L, 19L, 10L, 9.5L, 6L, 4L, 2L, 1L, Flask: 250ml, 200ml.	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: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	10/17/89
Abbott Laboratories	Barbiturates II U QC Primary L,M,H; No. 9669 L,M,H-11 QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	10/17/89
Abbott Laboratories	Barbiturates QC Primary B-F,L,M,H No. 9669 (B-F,L,M,H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5 ml.	11/22/88
Abbott Laboratories	Barbiturates QC Primary Bulk Control M, No. 9669-M.	Flasks: 1 liter, 250 ml, and 200 ml	11/10/87
Abbott Laboratories	Barbiturates QC Primary Standard Control M, No. 9669-M.	Bottle: 5 ml	11/10/87
Abbott Laboratories	Barbiturates QC Primary X, No. 9669X-QC	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories	Barbiturates Serum Bulk Calibrator B-F, No. 9679 B-F.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/03/89
Abbott Laboratories	Barbiturates Serum Bulk Control L,M,H; No. 9676 L,M,H.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/03/89
Abbott Laboratories	Barbiturates Serum Calibrators B-F, No. 9679-01	Kit: 5 vials	01/03/89
Abbott Laboratories	Barbiturates Serum Calibrators B/F, No. 9679 B/F.	Bottle: 5ml	01/03/89
Abbott Laboratories	Barbiturates Serum Controls L,M,H; No. 9679 L,M,H.	Bottle: 5ml	01/03/89
Abbott Laboratories	Barbiturates Serum Controls L,M,H; No. 9679-10	Kit: 3 vials	01/03/89
Abbott Laboratories	Barbiturates Serum QC Primary B-F,L,M,H; No. 9679 (B-F,L,M,H)-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	01/03/89
Abbott Laboratories	Benzodiazepine Serum QC Primary B-F,L,M,H No. 9682 (B-F,L,M,H)-QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5 ml.	11/22/88
Abbott Laboratories	Benzodiazepines Bulk Calibrator No. 9674 B-F	Carboy: 9.5, 19 L	07/18/88
Abbott Laboratories	Benzodiazepines Bulk Calibrators, B-F No. 9674	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	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: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	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, B-F,L,M,H No. 9674 (B-F,L,M,H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Benzodiazepines Serum Bulk Calibrators B-F: Code No. 9682 B-F.	Carboy: 10 liter; Flask: 6 liter, 2 liter	12/07/87
Abbott Laboratories	Benzodiazepines Serum Bulk Calibrators: No. 9682 B-F.	Carboy: 20 liters, 10 liters; Flask: 6 liters, 2 liters, 1 liter.	05/02/88
Abbott Laboratories	Benzodiazepines Serum Bulk Controls L,M, & H: Code No. 9682 L,M, & H.	Carboy: 10 liter; Flask: 6 liter, 2 liter	12/07/88
Abbott Laboratories	Benzodiazepines Serum Bulk Controls: No. 9682 L, M, H.	Carboy: 20 liters, 10 liters; Flask: 6 liters, 2 liters, 1 liter, 250 ml, 200 ml.	05/02/88
Abbott Laboratories	Benzoylgonine Stock Standard No. 97182, 97182 A-B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950ml, 500ml, 100ml, 5ml.	11/23/88
Abbott Laboratories	Benzoylgonine Stock Standard, No. 97182	Bottle: 125ml	11/21/85
Abbott Laboratories	CG RIA Diagnostic Kit No. 7815	Kit: 100 tests	04/07/78
Abbott Laboratories	Cannabinoids - GS Bulk Controls, No. 3897X,Y,Z	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Cannabinoids - GS Control X,Y,Z; No. 3897 - 02,03,04.	Kit: 100 vials	01/19/89
Abbott Laboratories	Cannabinoids - GS Control X,Y,Z; No. 3897X,Y,Z	Vial: 5ml	01/19/89
Abbott Laboratories	Cannabinoids Bulk Calibrators B-F	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/24/86
Abbott Laboratories	Cannabinoids Bulk Controls L,M,H	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/24/86
Abbott Laboratories	Cannabinoids Bulk Tracer (No. 94192)	Carboy: 50L, 20L, 10L, Flask: 6L, 4L, 2L, 1L	10/27/86
Abbott Laboratories	Cannabinoids QC Primary NBS, B-F, L,M,H; No. 9671-02[NBS,B-F]-QC; No. 9671-11[L,M,H]-QC.	Carboy: 10L, Flask: 4L, 2L, 500ml, 250ml, 100ml, 200ml, Bottle: 5ml.	12/27/88
Abbott Laboratories	Cannabinoids QC Primary NBS, B-F,L,M,H; No. 9671 (NBS, B-F,L,M,H)-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	12/27/88
Abbott Laboratories	Cannabinoids Stock Standard (94568)	Bottle: 125 ml	06/19/87
Abbott Laboratories	Cannabinoids Stock Standard (No. 94193)	Bottle: 125 ml	10/24/86

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Abbott Laboratories.....	Cannabinoids Stock Standard 10mcg/ml-No. 94568, 5mcg/ml-No. 94568A, 1mcg/ml-No. 94568B.	Carboy: 20L, 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, bottle: 950ml, 500ml, 100ml, 5ml.	12/27/89
Abbott Laboratories.....	Cannabinoids Stock Standard; 10mcg/ml-No. 94193, 5mcg/ml-No. 94193A, 1mcg/ml-No. 94193B.	Carboy: 20L, 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, bottle: 950ml, 500ml, 100ml, 5ml.	12/27/88
Abbott Laboratories.....	Cannabinoids Stock Tracer (No. 94194).....	Flask: 5 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: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	12/27/88
Abbott Laboratories.....	Cannabinoids-GS Reagent Pack 100 Test No. 3897-20.	Kit: 100 Tests.....	07/28/88
Abbott Laboratories.....	Cannabinoids-GS Reagent Pack 100 Test, No. 3897-19.	Kit: 100 Tests.....	09/22/89
Abbott Laboratories.....	Cannabinoids-GS Tracer Code No. 3897-T.....	5 ml Vial.....	07/28/88
Abbott Laboratories.....	Cholyglycine Antiserum (Rabbit) Reagent Solution No. 7817.	Plastic Bottle: 20ml.....	04/07/78
Abbott Laboratories.....	Cocaine Metabolite Bulk Calibrator B-F No. 9670 B-F.	Carboy: 9.5, 19 L.....	07/07/88
Abbott Laboratories.....	Cocaine Metabolite Bulk Calibrator, B-F No. 9670.	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/28/85
Abbott Laboratories.....	Cocaine Metabolite Bulk Controls L,H No. 9670-L,H.	Carboy: 9.5, 19 L.....	07/07/88
Abbott Laboratories.....	Cocaine Metabolite Bulk Controls, L and H No. 9670.	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	10/28/85
Abbott Laboratories.....	Cocaine Metabolite Bulk Controls, No. 9670X,Y,Z.	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories.....	Cocaine Metabolite Bulk Tracer, No. 9670.....	Carboy: 50L, 20L, 10L, Flask: 6L, 4L, 2L, 1L.....	10/29/85
Abbott Laboratories.....	Cocaine Metabolite Control X,Y,Z; No. 9670X,Y,Z.	Vial: 5ml.....	01/19/89
Abbott Laboratories.....	Cocaine Metabolite QC Primary B-F, L, M, H, No. 9670 (B-F, L, M, H)-QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 5 ml.	11/23/88
Abbott Laboratories.....	Cocaine Metabolite QC Primary Bulk Control M, No. 9670-M.	Flasks: 1 liter, 250 ml, and 200 ml.....	11/10/87
Abbott Laboratories.....	Cocaine Metabolite QC Primary Standard Control M, No. 9670-M.	Bottle: 5 ml.....	11/10/87
Abbott Laboratories.....	Cocaine Metabolite QC Primary X, No. 9670X-QC; Primary Z, No. 9670Z-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories.....	Cocaine Metabolite Stock Tracer, No. 9670.....	Vial: 5ml.....	10/29/85
Abbott Laboratories.....	Low, Medium, High Multiconstituent Stock Standards, No. 90967, 90968, 90969.	Carboy: 10L, 20L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	10/06/89
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 Stock Standard Code No. 95720.....	1 L, 500 ml, 100 ml Bottle.....	09/02/88
Abbott Laboratories.....	Morphine Stock Standard, No. 97291.....	Vial: 125ml.....	10/16/85
Abbott Laboratories.....	Morphine Stock Standard, No. 97291 A-B.....	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories.....	Multiconstituent Bulk Controls L,M,H (No. 9687-L,M,H).	Carboy: 20L, 10L, Flask: 10L, 6L, 4L, 2L, 1L, 250ml, 200ml.	09/03/87
Abbott Laboratories.....	Multiconstituent Control for Abused Drug Assays Bulk L,M,H; No. 9687-L,M,H.	Carboy: 20L, 10L, 19L, 9.5L, 6L, 4L, 1L, Flask: 250ml, 200ml.	10/06/89
Abbott Laboratories.....	Multiconstituent Control for Abused Drug Assays L,M,H; No. 9687-L,M,H.	Vial: 5 ml.....	10/06/89
Abbott Laboratories.....	Multiconstituent Control for Abused Drug Assays QC Primaries L,M,H; No. 9687-L,H,H-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	10/06/89
Abbott Laboratories.....	Multiconstituent Controls for Abused Drug Assays, No. 9687-10.	Kit: 6 vials.....	10/06/89
Abbott Laboratories.....	Nordiazepam Serum Bulk Stock Standard No. 94941.	Carboy: 10 liters; Flask: 6 liters, 2 liters, 1 liter.....	05/02/88

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Abbott Laboratories	Nordiazepam Serum Bulk Stock Standard: Code No.94941.	Carboy: 10 liter; Flask: 6 liter, 2 liter.....	12/07/87
Abbott Laboratories	Nordiazepam Serum Stock Standard No. 94941, 94941 A,B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950 ml,500 ml,100 ml,5 ml.	11/22/88
Abbott Laboratories	Nordiazepam Serum Stock Standard: Code No. 94941.	Bottle: 125 ml.....	12/07/87
Abbott Laboratories	Nordiazepam Serum Stock Standard: No. 94941...	Bottle: 125 ml.....	05/02/88
Abbott Laboratories	Nordiazepam Stock Standard No. 97757, 97757 A,B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories	Nordiazepam Stock Standard, No. 97757.....	Bottle: 125ml.....	04/21/86
Abbott Laboratories	Opiate Bulk Calibrators, B-F No. 9673.....	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	05/07/86
Abbott Laboratories	Opiate Bulk Controls, L and H No. 9673.....	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	05/07/86
Abbott Laboratories	Opiates Bulk Controls, No. 9673X,Y,Z.....	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Opiates Bulk Tracer, No. 97458.....	Carboy: 50L, 20L, 10L, Flask: 6L, 4L, 2L, 1L.....	05/07/86
Abbott Laboratories	Opiates Control X,Y,Z; No. 9673X,Y,Z.....	Vial: 5ml.....	01/19/89
Abbott Laboratories	Opiates QC Primary (B-F,L,M,H) QC No. 9673 (B-F,L,M,H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Opiates QC Primary Bulk Control M, No. 9673-M.....	Flasks: 1 liter, 250 ml, and 200 ml.....	11/10/87
Abbott Laboratories	Opiates QC Primary Standard Control M, No. 9673-M.	Bottle:5 ml.....	11/10/87
Abbott Laboratories	Opiates QC Primary X, No. 9673X-QC; Primary Y, No. 9673Y-QC; PrimaryZ, No. 9673Z-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories	Opiates Stock Tracer, No. 98718.....	Bottle: 30ml.....	05/07/86
Abbott Laboratories	Phencyclidine Bulk Calibrator, B-F No. 9672.....	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86
Abbott Laboratories	Phencyclidine Bulk Control M, No. 9672.....	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	09/26/86
Abbott Laboratories	Phencyclidine Bulk Controls, L and H No. 9672.....	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86
Abbott Laboratories	Phencyclidine Bulk Controls, No. 9672X,Y,Z.....	Carboy: 20L, 10L, Flask: 6L, 2L, 1L, 250ml, 200ml.	01/19/89
Abbott Laboratories	Phencyclidine Control X,Y,Z; No. 9672X,Y,Z.....	Vial: 5ml.....	01/19/89
Abbott Laboratories	Phencyclidine QC Primary (B-F,L,M,H) QC No. 9672 (B-F,L,M,H) QC.	Carboy: 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 5ml.	11/22/88
Abbott Laboratories	Phencyclidine QC Primary X, No. 9672X-QC; Primary Z, No. 9672Z-QC.	Carboy: 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 5ml.	06/05/89
Abbott Laboratories	Phencyclidine Stock Standard No. 97158, 97158 A-B.	Carboy: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml, 5ml.	11/22/88
Abbott Laboratories	Phencyclidine Stock Standard, No. 95356.....	Flask: 100ml, 200ml, 250ml, 500ml, 1L, 2L, 4L, Bottle: 5ml, 100ml, 500ml, 950 ml, Carboys: 10L, 20L.	04/18/89
Abbott Laboratories	Phencyclidine Stock Standard, No. 97158.....	Bottle: 125ml.....	11/21/85
Abbott Laboratories	Phenobarbital Enzyme Inhibitor Stock.....	Vial: 2ml.....	01/20/84
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 Solution.....	Bottle: 1 liter.....	08/12/82
Abbott Laboratories	Polyethylene Glycol 8000, 16% Solution in 0.09 M Barbitol Buffer, No 7541.	Plastic Bottle: 300 ml, 150 ml.....	09/21/77
Abbott Laboratories	Polyethylene Glycol 8000, 18% Solution in 0.09M Barbitol Buffer: No. 07602.	Stainless Steel Tank: 1000 liters.....	03/09/88
Abbott Laboratories	Propoxyphene Bulk Calibrator B-F Item No. 9675(B-F).	Carboys or Flasks: 20L,19L,10L,9.5L,6L,4L,2L,1L,250ml,200ml.	11/30/90
Abbott Laboratories	Propoxyphene Bulk Control L,M,H List No. 9675(L,M,H).	Carboys or Flasks: 20L,19L,10L,9.5L,6L,4L,2L,1L,250ml,200ml.	11/30/90
Abbott Laboratories	Propoxyphene Bulk Tracer Item No. 92003.....	Carboys or Flasks: 20L,19L,10L,9.5L,6L,4L,2L,1L,250ml,200ml.	11/30/90
Abbott Laboratories	Propoxyphene Calibrators Item No. 9675-01.....	Kit: 5 vials.....	11/30/90
Abbott Laboratories	Propoxyphene Calibrators Item No. 9675B-F.....	Vial: 5ml.....	11/30/90
Abbott Laboratories	Propoxyphene Controls Item No. 9675-10.....	Kit: 3 vials.....	11/30/90
Abbott Laboratories	Propoxyphene Controls Item No. 9675L,M,H.....	Vial: 5ml.....	11/30/90
Abbott Laboratories	Propoxyphene QC Primary B-F,L,M,H,Z Item No. 9675(B-F,L,M,H,Z)-QC.	Carboy:20,10L Flasks:6,4,2,1L,500,250,200,100ml Bottles:950,500,100,50,5ml Ampules:20,10,5,2ml.	11/30/90
Abbott Laboratories	Propoxyphene Stock Standard, 100 mcg/ml Item No. 92005.	Carboys:20,10L Flasks:6,4,2,1L,500,250,200,100ml Bottles:950,500,100,50,5ml Ampules:20,10,5,2ml.	11/30/90
Abbott Laboratories	Propoxyphene Stock Tracer Item No. 92001.....	Bottle: 12ml.....	11/30/90
Abbott Laboratories	Propoxyphene Tracer Item No. 9675-T.....	Bottles: 3.2ml, 5ml.....	11/30/90
Abbott Laboratories	Secobarbital Bulk Calibrator, B-F No. 9669.....	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86



## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Abbott Laboratories	Secobarbital Bulk Controls, L and H No. 9669	Carboy: 20L, 10L, Flask: 6L, 4L, 2L, 1L, 250ml, 200ml.	03/21/86
Abbott Laboratories	Secobarbital Stock Standard 1000mcg/ml-No. 90107, 500mcg/ml-No. 90107A, 200mcg/ml-No. 90107B.	Carboy: 20L, 10L, Flask: 4L, 2L, 1L, 500ml, 250ml, 200ml, 100ml, Bottle: 950ml, 500ml, 100ml, 5ml.	01/03/89
Abbott Laboratories	Secobarbital Stock Standard No. 97171, 97171 A,B.	Carboy: 20L, 10L, Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml, Bottle: 950 ml, 500 ml, 100 ml, 5 ml.	11/22/88
Abbott Laboratories	Secobarbital Stock Standard, No. 97171	Bottle: 125ml	11/21/85
Abbott Laboratories	Spectrum Phenobarbital Calibrator II-VI, Nos. 9755, 9757, 9759, 9761, 9763.	Bottle: 4ml	10/03/85
Abbott Laboratories	Spectrum Phenobarbital Control, Nos. 9876, 9878, 9860. (L,M,H).	Bottle: 4ml	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 Tracer Solution, No. 9667T.	Vial: 5ml, 3.2ml	03/01/88
Abbott Laboratories	TDx Amphetamine/Methamphetamine Calibrator, No. 9668-01.	Bottles: 4ml	08/23/85
Abbott Laboratories	TDx Amphetamine/Methamphetamine Controls, No. 9668-10.	Bottles: 4ml	08/23/85
Abbott Laboratories	TDx Barbiturates Calibrators No. 9669 B-F	5 ml Vial	07/01/86
Abbott Laboratories	TDx Barbiturates Calibrators No. 9669-01	Kit: 5 Vials, 5 ml each	07/01/88
Abbott Laboratories	TDx Barbiturates Calibrators, B-F No. 9669	Bottle: 4 ml	10/08/85
Abbott Laboratories	TDx Barbiturates Control L,H No. 9669 L,H	5 ml Vial	07/01/88
Abbott Laboratories	TDx Barbiturates Control, L and H No. 9669	Bottle: 4ml	10/08/85
Abbott Laboratories	TDx Barbiturates Controls No. 9669-10	Kit: 2 Vials, 5 ml each	07/01/86
Abbott Laboratories	TDx Benzodiazepines Calibrator No. 9674 B-F	5 ml Vial	07/18/86
Abbott Laboratories	TDx Benzodiazepines Calibrators No. 9674-01	Kit: 5 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Benzodiazepines Calibrators, No. 9674-01	Bottles: 4ml	04/21/86
Abbott Laboratories	TDx Benzodiazepines Controls L,H No. 9674 L,H	5 ml Vial	07/18/88
Abbott Laboratories	TDx Benzodiazepines Controls L,H No. 9674-10	Kit: 2 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Benzodiazepines Controls, No. 9674-10	Bottles: 4ml	04/21/86
Abbott Laboratories	TDx Benzodiazepines Serum Calibrator No. 9682 B-F.	Bottle: 4 ml	05/02/88
Abbott Laboratories	TDx Benzodiazepines Serum Calibrators B-F: Code No. 9682 B-F.	Bottle: 4 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	10/27/88
Abbott Laboratories	TDx Cocaine Metabolite Calibrator B-F No. 9670 B-F.	5 ml Vial	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Calibrator, B-F No. 9670.	Bottle: 4ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Calibrators No. 9670-01	Kit: 5 Vials, 5 ml each	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Control L,H No. 9670 L,H.	5 ml Vial	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Control, L and H No. 9669.	Bottle: 4ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Controls No. 9670-10	Kit: 2 Vials, 5 ml each	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Fluorescein Tracer Solution No. 9670 T0001.	Kit: 100 Vials, 5 ml Each	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Fluorescein Tracer Solution No. 9670-T.	Box: 5 ml Vial	07/07/88
Abbott Laboratories	TDx Cocaine Metabolite Reagent Pack	Reagent well: 5ml	10/02/85
Abbott Laboratories	TDx Cocaine Metabolite Reagent Pack No. 9670-20.	Kit: 100 Tests	07/07/88
Abbott Laboratories	TDx Multiconstituent Controls L,M,H (No. 9667-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

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Abbott Laboratories	TDx Opiates Controls L and H: No. 9673 L,H	Vial: 4 ml	02/29/88
Abbott Laboratories	TDx Opiates Controls, L and H No. 9673	Vials: 5ml	05/07/86
Abbott Laboratories	TDx Opiates Fluorescein Tracer Solution No. 9673 T0001.	Box:10 Vials, 5 ml each	07/08/88
Abbott Laboratories	TDx Opiates Fluorescein Tracer Solution: No. 9673-T.	Reagent Well: 5 ml	02/29/88
Abbott Laboratories	TDx Opiates Reagent, Pack No. 9673-20, 100 tests.	Reagent Well: 5ml , 100 tests	05/07/86
Abbott Laboratories	TDx Phencyclidine Bulk Calibrator B-F No. 9672 B-F.	Carboy: 9.5, 19 L	07/18/88
Abbott Laboratories	TDx Phencyclidine Bulk Calibrator B-F No. 9672 B-F.	5 ml Vial	07/18/88
Abbott Laboratories	TDx Phencyclidine Bulk Control L,M,H No. 9672 L,M,H.	Carboy: 9.5, 19 L	07/18/88
Abbott Laboratories	TDx Phencyclidine Calibrators B-F No. 9672-01	Kit: 5 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Phencyclidine Calibrators, B-F No. 9672	Bottle: 4ml	10/09/85
Abbott Laboratories	TDx Phencyclidine Control M No. 9672	Bottle: 4ml	09/26/86
Abbott Laboratories	TDx Phencyclidine Controls L,M,H No. 9672 L,M,H.	5 ml Vial	07/18/88
Abbott Laboratories	TDx Phencyclidine Controls No. 9672-10	Kit: 3 Vials, 5 ml each	07/18/88
Abbott Laboratories	TDx Phencyclidine Controls, L and H No. 9672	Bottle: 4ml	10/09/85
Abbott Laboratories	TDx Phenobarbital 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: 13ml. Plastic Bottle: 250ml	04/22/76
Abbott Laboratories	TrakPak Five Drug Control 2-6 QT Nos. 92212-92216.	Carboy:20,10L Flask:6,4,2,1L, 500,250,200,100ml Bottle:950,500,100,50,5ml Ampule:20,10,5,2ml.	10/19/90
Abbott Laboratories	TrakPak Five Drug Control Stock No. 92210	Carboy:20,10L Flask:6,4,2,1L,500,250,200,100ml Bottle:950,500,100,50,5ml Ampule:20,10,5,2ml.	10/19/90
Abbott Laboratories	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	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: 20L, 10L Flask: 4L, 2L, 1L, 500 ml, 250 ml, 200 ml, 100 ml Bottle: 950ml, 500ml, 100ml,5ml.	11/22/88
Adri/Technam	3-Ortho-Carboxymethylmorphine	Screw Cap Vial	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid	Screw Cap Vial	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid-Bovine Serum Albumin.	Vaccine Vial: 10ml	05/03/73
Adri/Technam	5-Ethyl-5-(1-Carboxy-n-propyl) Barbituric Acid-Rabbit Serum Albumin.	Vaccine Vial: 10ml	05/03/73
Adri/Technam	Barbiturate Standard	Screw-cap vial:10ml	07/17/76
Adri/Technam	Barbituric Acid Sensitized Red Blood Cells	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Benzoyl Ecgonine	Screw-cap vial:10ml	04/18/74
Adri/Technam	Benzoyl Ecgonine Sensitized Red Blood Cells	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Benzoyl Ecgonine Standard	Screw-cap vial:10ml	07/17/76
Adri/Technam	Benzoyl Ecgonine-BSA	Vaccine Vial	07/21/75
Adri/Technam	Benzoyl Ecgonine-RSA	Vaccine Vial	07/21/75
Adri/Technam	CMM-BSA and CMM-RSA (Carboxymethylmorphine Bovine Serum Albumin or Carboxymethylmorphine Rabbit Serum Albumin).	Vaccine Vial: 10ml	05/03/73

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Adri/Technam	Cannabuse Cannabidiol Standard	Disks: 25/package	05/03/85
Adri/Technam	Cannabuse Delta 8 THC Carboxylic Acid Standard	Disks: 25/package	09/19/84
Adri/Technam	Cannabuse Delta 8 THC Carboxylic Acid Standard	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Carboxylic Acid Standard	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Carboxylic Acid Standard	Disks: 25/package	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Standard	Vial: 6 ml	09/19/84
Adri/Technam	Cannabuse Delta 9 THC Standard	Disks: 25/package	09/19/84
Adri/Technam	Drug Standards, Acid/ Neutral Mixture A and B	Disks: 25/package	11/15/85
Adri/Technam	Drug Standards, Basic Mixture A and B	Disks: 25/package	11/15/85
Adri/Technam	Methadone Standard	Screw-cap vial:10ml	07/17/78
Adri/Technam	Morphine Sensitized Red Blood Cells	Vaccine Vial: 50ml	05/03/73
Adri/Technam	Morphine Standard (in distilled water)	Screw-cap vial:10ml	07/17/77
Adri/Technam	Tropinecarboxylic Acid (ecgonine)	Screw-cap Bottle:10ml	05/08/73
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	Benzoylcegonine Tetrahydrate 7.5ug, 50ug, 250ug	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	Bromazepam	Vial: 1 ml	06/16/89
Alltech-Applied Science	Cyclopentobarbital	Vial: 1 ml	06/16/89
Alltech-Applied Science	GC/MS Benzoylcegonine 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	Methamphetamine	Vial: 1 ml	06/16/89
Alltech-Applied Science	N-Ethylamphetamine	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	N-Hydroxy-MDA	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	Normeperidine HCl	Vial: 1 ml	06/16/89
Alltech-Applied Science	Phenmetrazine HCl	Amber Ampoule: 1ml	02/16/90
Alltech-Applied Science	Talbutal	Vial: 1 ml	06/16/89
Alltech-Applied Science	Thiopental	Vial: 1 ml	06/16/89
Alltech-Applied Science	d3-Benzoylcegonine Tetrahydrate	Amber Ampoule: 5ml	02/16/90
Alltech-Applied Science	l-Methamphetamine HCl	Vial: 1 ml	06/16/89
American Monitor Corporation	Qualify I	Glass Vial: 10ml	10/09/75
American Monitor Corporation	Qualify II	Glass Vial: 10ml	10/09/75
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	02/08/80
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	06/27/86
Amersham Corporation	Amerlex-M T4 RIA Kit, 1M.3011, 1M.3014	Kit:100 Tests 400 Tests	06/27/86
Amersham Corporation	Amerlite FSH Assay, Cat. Code LAN.0077, Cat. Code LAN.2077	Glass vial: 5.8ml, 38.1ml, 240 tests, 144 tests	05/30/89
Amersham Corporation	Amerlite Rubella Antibody Assay, Cat. Code LAN.0200, Cat. Code LAN.2200	Glass vial: 5.8ml, 38.1ml, 240 tests, 144 tests	05/30/89
Amersham Corporation	Amerlite TSH Assay, Cat. Code LAN.0001, Cat. Code LAN.2001	Glass vial: 5.8ml, 240 tests, 144 tests	05/30/89
Amersham Corporation	Amerlite TT3 Assay: Catalog Code Lan. 0003, Lan. 1003, and Lan.2003	Kit: 144 tests, 240 tests, 480 tests	11/24/87
Amersham Corporation	Amerlite TT4 Assay: Catalog Code Lan. 0002, Lan. 1002, Lan. 2002	Kit: 144 tests, 240 tests, 480 tests	11/24/87
Amersham Corporation	Codeine (N-methyl-C14) Hydrochloride	Custom Preparation	03/27/72
Amersham Corporation	Morphine (N-methyl-C14) Hydrochloride No. CFA-383	Vial:0.32 to 1.89mg	03/27/72
Amersham Corporation	Pheno [2-14C] barbital Catalog No. CFA 537	Vial:0.39 to 5.85mg	11/05/74
Amersham Corporation	Prolactin RIA Kit, IM 1060, 1061	Kit: 50 tests, 100 tests	03/28/80
Amersham Corporation	T-3 Uptake (MAA) Kit-IM 1020, IM 1021, IM 1024	Kit: 50 tests, 100 tests, 400 tests	02/05/79
Amersham Corporation	[1(N)-3H] Hydromorphone TRQ 4729	Vial: 47.5-95 micrograms	07/31/87
Amersham Corporation	[1(n)-3H] Codeine, No. TRK 448	Ampule: 0.002mg to 0.015mg	02/26/74
Amersham Corporation	[1(n)-3H]Morphine, No. TRK-447	Vial: 0.002 mg to 0.015 mg	02/26/74
Amersham Corporation	[1,7,8(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	[2(n)-3H] Lysergic Acid Diethylamide, No. TRK 461	Vial: 0.003mg to 0.04mg	05/22/74
Amersham Corporation	[2-14C] Diazepam Catalog No. CFA.591	Multidose Glass Vial: 56mm x 25mm	09/28/77
Amersham Corporation	[N-methyl-3H] Diazepam Catalog Code: TRK.572	Multidose Glass Vial: 56mm x 25mm	09/28/77
Applied Science Laboratories	6-Monoacetylmorphine HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	Allylisobutylbarbituric Acid	Vial: 1ml	01/24/73
Applied Science Laboratories	Alphaprodine HCl	Vial: 1ml	04/16/85
Applied Science Laboratories	Alphenal	Vial: 1ml	01/24/73
Applied Science Laboratories	Alprazolam	Vial: 1ml	04/16/85
Applied Science Laboratories	Amobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Amphetamine HCl	Vial: 1ml	01/24/73

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Applied Science Laboratories	Aprobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Barbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Barbiturates, Mixture 4	Vial: 10ml	10/04/72
Applied Science Laboratories	Benzoylcegonine Tetrahydrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Benzphetamine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Butabarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Butethal	Vial: 1ml	01/24/73
Applied Science Laboratories	Cannabidiol	Vial: 1 ml	03/30/88
Applied Science Laboratories	Cannabinol	Vial: 1 ml	03/30/88
Applied Science Laboratories	Chloral Hydrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Chlordiazepoxide HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Clonazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Clorazepate Dipotassium	Vial: 1ml	04/16/85
Applied Science Laboratories	Cocaine	Vial: 1ml	01/24/73
Applied Science Laboratories	Codeine	Vial: 1ml	01/24/73
Applied Science Laboratories	Delta-8-Tetrahydro-cannabinol	Vial: 1 ml	03/30/88
Applied Science Laboratories	Delta-9-Tetrahydrocannabinol	Vial: 1ml	04/16/85
Applied Science Laboratories	Depressants, Mixture 3	Vial: 10ml	10/04/72
Applied Science Laboratories	Dextropropoxyphene HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Diacetylmorphine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Diallylbarbituric acid	Vial: 1ml	01/24/73
Applied Science Laboratories	Diazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Diethylpropion HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Dihydrocodeine	Vial: 1ml	04/16/85
Applied Science Laboratories	Dimethyltryptamine	Vial: 1ml	04/16/85
Applied Science Laboratories	Drug Mix Four	Ampoule: 1 ml	11/03/86
Applied Science Laboratories	Drug Mix One	Ampoule: 1 ml	10/21/86
Applied Science Laboratories	Drug Mix Three	Ampoule: 1 ml	11/03/86
Applied Science Laboratories	Drug Mix Two	Ampoule: 1 ml	10/21/86
Applied Science Laboratories	Ecgonine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Ecgonine Methyl Ester HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	Ethchlorvynol	Vial: 1ml	01/24/73
Applied Science Laboratories	Ethinamate	Vial: 1ml	01/24/73
Applied Science Laboratories	Ethylmorphine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Fenfluramine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Fentanyl	Vial: 1ml	04/16/85
Applied Science Laboratories	Flurazepam HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Glutethimide	Vial: 1ml	01/24/73
Applied Science Laboratories	Halazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Hexobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Hydrocodone Bitartrate	Vial: 1ml	01/24/73
Applied Science Laboratories	Hydromorphone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Levorphanol Tartrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Lorazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Lysergic Acid	Vial: 1ml	04/16/85
Applied Science Laboratories	Lysergic Acid N-(methylpropyl) amide	Vial: 1ml	04/16/85
Applied Science Laboratories	Lysergic Acid diethylamide	Vial: 1ml	04/16/85
Applied Science Laboratories	MDA HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	MDMA HCl	Vial: 1 ml	03/30/88
Applied Science Laboratories	Meperidine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Mephobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Meprobamate	Vial: 1ml	01/24/73
Applied Science Laboratories	Mescaline	Vial: 1ml	01/24/73
Applied Science Laboratories	Methadone HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Methamphetamine HCL	Vial: 1ml	01/24/73
Applied Science Laboratories	Methaqualone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Methohexital	Vial: 1ml	04/16/85
Applied Science Laboratories	Methylphenidate	Vial: 1ml	01/24/73
Applied Science Laboratories	Methyprylon	Vial: 1ml	04/16/85
Applied Science Laboratories	Mixture 1-Opiates	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 2-Stimulants	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 3-Depressants	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 4-Barbiturates	Vial: 1ml	10/04/72
Applied Science Laboratories	Mixture 5-Kit of Representatives	Vial: 1ml	10/04/72
Applied Science Laboratories	Morphine	Vial: 1ml	01/24/73
Applied Science Laboratories	Nalorphine	Vial: 1ml	01/24/73
Applied Science Laboratories	Nitrazepam	Vial: 1 ml	03/30/88
Applied Science Laboratories	Norcodeine HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Nordiazepam	Vial: 1 ml	03/30/88
Applied Science Laboratories	Normorphine	Vial: 1ml	04/16/85
Applied Science Laboratories	Opiates, Mixture 1	Vial: 10ml	10/04/72
Applied Science Laboratories	Oxazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Oxycodone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Oxymorphone HCL	Vial: 1ml	04/16/85
Applied Science Laboratories	Paraldehyde	Vial: 1ml	04/16/85
Applied Science Laboratories	Pemoline	Vial: 1ml	04/16/85
Applied Science Laboratories	Pentazocine	Vial: 1ml	04/16/85
Applied Science Laboratories	Pentazocine HBr	Vial: 1ml	01/24/73
Applied Science Laboratories	Pentobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Phencyclidine HCL	Vial: 1ml	01/24/73

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Applied Science Laboratories	Phendimetrazine Bitartrate	Vial: 1ml	04/16/85
Applied Science Laboratories	Phenobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Phentermine	Vial: 1ml	04/16/85
Applied Science Laboratories	Prazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Propylbenzoyl-ecgonine	Vial: 1 ml	03/30/88
Applied Science Laboratories	Psilocybin	Vial: 1ml	04/16/85
Applied Science Laboratories	Psilocyn	Vial: 1 ml	11/06/87
Applied Science Laboratories	Secobarbital	Vial: 1ml	01/24/73
Applied Science Laboratories	Stimulants, Mixture 2	Vial: 10ml	10/04/72
Applied Science Laboratories	Temazepam	Vial: 1ml	04/16/85
Applied Science Laboratories	Thebaine	Vial: 1ml	01/24/73
Applied Science Laboratories	Thiamylal	Vial: 1ml	01/24/73
Applied Science Laboratories	Toxi Clean Test Mix	Vial: 1 ml	03/30/88
Applied Science Laboratories	Triazolam	Vial: 1ml	04/16/85
Armed Forces Institute of Pathology	11-nor-9-carboxy-delta 8-THC in Ethanol Ampules	Glass Ampule: 1mg/ml, 1ml, 5ml, 10ml	01/25/82
Astral Medical Systems	Barbital Buffer	Plastic bag: 12.2g/bag	05/01/85
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	3ml, 6ml, 10ml, 30ml, 50ml Vial	08/18/88
BHP Diagnostix, Inc.	Kodak Ektachem-DT Calibrator	Bottle: 6ml	01/05/85
Baxter Diagnostics Inc., Dade Division	(125I) Human TSH Tracer (Lyophilized), Catalog No. CA-2691	Glass Vial: 10 ml	09/09/86
Baxter Diagnostics Inc., Dade Division	(125I) Human TSH Tracer, Cat. No. CA-2611	Vial: 15ml	12/07/89
Baxter Diagnostics Inc., Dade Division	(125I) Human TSH Tracer, Cat. No. CA-2623	Vial: 15ml	12/07/89
Baxter Diagnostics Inc., Dade Division	Anticonvulsant Drug Controls, Levels I and II, Catalog No. CA-2419 and CA-2420	Glass Vial: 3.5 ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Assay Buffer Cat. No. CA-2742	Plastic Bottle: 150ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Bovine Chemistry Control I.X Special Order Request B5107-55XX	Bottle: 18ml (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: 5ml (Lyophilized Material)	01/24/86
Baxter Diagnostics Inc., Dade Division	Clinical Assays GammaCoat (125I) Phenobarbital Radioimmunoassay Kits Catalog No. CA-2545, CA-2565	Kit: 50 Assays, 500 Assays	09/09/86
Baxter Diagnostics Inc., Dade Division	Clinical Assays GammaCoat (125I) Phenytoin Radioimmunoassay Kit Catalog No. CA-2537, CA-2557	Kit: 50 Assays, 500 Assays	09/09/86
Baxter Diagnostics Inc., Dade Division	Clinical Assays GammaCoat (125I) T3 Uptake Radioimmunoassay Kit Catalog No. CA-2539, CA-2539J, CA-2559, CA-2559J	Kit: 100 Assays, 100 Assays, 500 Assays, 500 Assays	09/09/86
Baxter Diagnostics Inc., Dade Division	Clinical Assays GammaDab (125I) HS-hTSH Radioimmunoassay Kit Catalog No. CA-1573	Kit: 125 Assays, Vial: 15ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Clinical Assays GammaDab (125I) hTSH Radioimmunoassay Kit Catalog No. CA-591	Kit: 125 Assays, Vial: 15ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Dade Immunoassay Control, Level I-Low	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc., Dade Division	Dade Immunoassay Control, Level II-Intermediate	Bottle: 9ml (Lyophilized Material)	04/25/86
Baxter Diagnostics Inc., Dade Division	Dade Immunoassay Control, Level III-High	Bottle: 9ml (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: 9ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc., Dade Division	Dade TDM Control Level II-Intermediate B5700-3	Glass Vial: 9ml (Lyophilized Material)	01/21/82
Baxter Diagnostics Inc., Dade Division	Dade TDM Control Level III-High B5700-4	Glass Vial: 9ml (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	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: 5ml (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: 9 ml (Lyophilized Material)	07/20/83
Baxter Diagnostics Inc., Dade Division	Data-Fi Thrombin Reagent	Bottle: 5ml (Lyophilized Material) Vial: 9ml Carton: 10 vials, Cat. No. 28 10 09	05/18/81
Baxter Diagnostics Inc., Dade Division	HTSH Non-Specific Binding Reagent, Catalog No. CA-2752	Glass Vial: 3.5 ml	09/09/86
Baxter Diagnostics Inc., Dade Division	HTSH Non-Specific Binding Reagent, Catalog No. CA-2780	Glass Vial: 3.5 ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Human TSH Controls Levels I and II, Catalog No. CA-2452 and CA-2453	Glass Vial: 3.5 ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Human TSH Standards (2,5,10,20 & 50 uIU/ml) Cat. No. CA-(2886 - 2890)	Glass Bottle: 3.5ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Human hTSH Blank, Cat. No. CA-2885	Vial: 15ml	12/07/89

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Baxter Diagnostics Inc., Dade Division	Moni-Trol Level I Chemistry Control, Assayed, Special Order Request. B5103-XXX.	Bottle: 9ml (Lyophilized Material)	01/20/84
Baxter Diagnostics Inc., Dade Division	Moni-Trol Level I.X Special Order Request B5106-5X.	Bottle: 18ml (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: 9ml (Lyophilized Material)	01/20/84
Baxter Diagnostics Inc., Dade Division	Moni-Trol Level II.X Special Order Request B5106-6X.	Bottle: 18ml (Lyophilized Material)	06/30/83
Baxter Diagnostics Inc., Dade Division	Moni-Trol. ES Level I Chemistry Control, Assayed.	Bottles: 9ml, 6.7ml (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: 18ml, 9ml (Lyophilized Material)	06/27/86
Baxter Diagnostics Inc., Dade Division	Moni-Trol. ES Level II Chemistry Control, Assayed.	Bottle: 9ml, 6.7ml (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: 18ml, 9ml (Lyophilized Material)	06/27/86
Baxter Diagnostics Inc., Dade Division	Owren's Veronal Buffer	Bottle: 18ml	08/16/71
Baxter Diagnostics Inc., Dade Division	Phenobarbital Serum Standards (1,3,10,30 & 100 ug/ml) Cat. No. CA-2380 - 2384.	Glass Bottle: 3.5ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Rabbit Anti-Human TSH Serum, Cat. No. CA-2145.	Vial: 15ml	12/07/89
Baxter Diagnostics Inc., Dade Division	Rabbit Anti-Human TSH Serum, Catalog No. CA-2109.	Glass Vial: 20 ml	09/09/86
Baxter Diagnostics Inc., Dade Division	Stratus Phenobarbital Calibrators B, C, D, E, & F.	Glass Vial: 3ml	06/27/83
Baxter Diagnostics Inc., Dade Division	Stratus Phenobarbital Conjugate	Glass Vial: 6ml	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: 5ml (Lyophilized Material) Vial: 5ml Carton: 10 vials, Cat.No. 28 10 12.	08/16/71
Baxter Diagnostics, Inc., Dade Division	Absorbed Plasma and Serum Reagents Kit B4233-2.	Glass Vial: 5ml (Lyophilized Material)	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: 6ml	10/29/80
Beckman Instruments, Inc.	Beckman ICS Drug Control Sera	Kit containing: 6-1ml bottles	11/11/80
Beckman Instruments, Inc.	Beckman ICS Phenobarbital Conjugate	Vial: 5ml	10/29/80
Beckman Instruments, Inc.	Beckman LD Buffer	Bottle: 14.3 grams	07/31/86
Beckman Instruments, Inc.	Beckman LD Buffer	Bottle: 14.3 grams	07/31/86
Beckman Instruments, Inc.	Paragon Electrophoresis System: Alkaline Phosphatase Isoenzyme Electrophoresis (Isopal) Kit	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays	05/19/89
Beckman Instruments, Inc.	Paragon Electrophoresis System: High Resolution Electrophoresis (HRE) Kit	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays	05/19/89
Beckman Instruments, Inc.	Paragon Electrophoresis System: Immunoelectrophoresis (IEP) Kit	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays	05/19/89
Beckman Instruments, Inc.	Paragon Electrophoresis System: Immunofixation Electrophoresis (IFE) Kit	Plastic Tray: 3.5ml	07/31/86
Beckman Instruments, Inc.	Paragon Electrophoresis System: Lactate Dehydrogenase Isoenzyme Electrophoresis (LD) Kit	Plastic Tray: 3.5 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: 3.5ml	07/31/86
Beckman Instruments, Inc.	Paragon Electrophoresis System: Serum Protein Electrophoresis (SPE) Kit	Plastic Tray: 3.5ml, Box: 10 trays, Kit: 10 trays	05/19/89
Becton Dickinson & Company	Barbital Buffer Solution, Catalog No. 246514	Bottle: 1 ounce	08/01/84
Becton Dickinson & Company	Human Thyroid Stimulating Hormone (hTSH) Radioimmunoassay Kit (125I) Catalog No. 258423.	Kit: 250 tubes	08/01/84
Becton Dickinson & Company	IQ Immunochemistry System, Thyroid Stimulating Hormone Catalog No. 3010.	Kit: 25 tests	06/30/87
Becton Dickinson & Company	Neonatal T4 Tracer Cat. No. 264016	Bottle: 500ml	04/02/90
Becton Dickinson & Company	Neonatal TSH Antiserum, Catalog No. 244716	Vial: 50 ml	08/01/84
Becton Dickinson & Company	Precipitating Antiserum, Catalog No. 247818	Vial: 50 ml	08/01/84
Becton Dickinson & Company	Simul Trac Free T4/TSH Antiserum, No. 262641	Vial: 1 oz	02/21/86
Becton Dickinson & Company	Simul Trac Free T4[57 Co]/TSH[125I] Radioimmunoassay Kit, No. 262625.	Kit: 200 tubes	02/21/86
Becton Dickinson & Company	T3 Tracer Solution Catalog No. 237728	Bottle: 125ml	09/27/78
Becton Dickinson & Company	T4 Tracer Solution Catalog No. 232611	White NALGENE Polypropylene Bottle: 125 ml	02/13/78
Becton Dickinson & Company	TSH (125I) Tracer, Catalog No. 243621	Vial: 50 ml	08/01/84
Becton Dickinson & Company	TSH Antiserum Catalog No. 263001	Clear Vial: 10ml	09/04/86
Becton Dickinson & Company	TSH Antiserum, Catalog No. 258431	Vial: 50 ml	08/01/84
Becton Dickinson & Company	TSH [125I] Tracer, Catalog No. 259624	Clear vial: 10ml	09/04/86
Behring Diagnostics	TEP Buffer, 793001 pH 8.2	Foil Pouch: 6.5 g	09/17/79
Behring Diagnostics	Immuno-tac II Agarose Plate, 839013, 850013	Foil Pouch: >5.35 x >5.25	09/17/79
Bio-Rad Laboratories	Benzodiazepines/Tricyclic Antidepressants by HPLC.	Kit: 100 tests	02/08/90

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Bio-Rad Laboratories	Dade Urine Chemistry Control Levels I AND II	Vial: 20 ml, 50 ml.	01/05/88
Bio-Rad Laboratories	Dade Urine Toxicology Control	Vial: 50 ml.	01/05/88
Bio-Rad Laboratories	Internal Standard	Amber vial: 30ml Flask: 200ml-2000ml	02/08/90
Bio-Rad Laboratories	Lypochek Therapeutic Drug Monitoring Control (TDM), Levels I, II, III.	Vial: 10ml	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: 60ml, 260ml	05/06/81
Bio-Rad Laboratories	Quantaphase Thyroxine RIA-Thyroxine Immuno-beads.	Plastic bottle: 60ml, 260ml	05/06/81
Bio-Rad Laboratories	Quantimune Barbitol Buffer	Plastic Bottle: 1000ml, 250ml, 200ml	05/31/78
Bio-Rad Laboratories	Quantimune Radioimmunoassay T-4 Tracer, Iodine-125.	Vial: 10 ml.	07/21/76
Bio-Rad Laboratories	Quantimune T-3 RIA Barbitol Buffer	Bottle: 220ml	09/24/82
Bio-Rad Laboratories	Quantimune T-3 RIA Test Kit	Kit: 500 tests, 100 tests	05/31/78
Bio-Rad Laboratories	Quantimune T-4 RIA Kit	Kit: 500 tests	07/01/77
Bio-Rad Laboratories	Quantimune T-4 RIA Test Kit	Kit: 5000 tests, 100 tests	05/31/78
Bio-Rad Laboratories	Quantimune Thyroxine Radioimmunoassay Barbitol Buffer.	Plastic Bottle with Screw cap: 1 liter	07/01/77
Bio-Rad Laboratories	Quantimune Thyroxine Radioimmunoassay T-4 125I Tracer/Dissociating Agent.	Glass Serum Vial: 10 ml	07/01/77
Bio-Rad Laboratories	REMEDI DPS Check Mix	Vial: 20ml, Flask: 1L-10L	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard Combination	Vial: 20ml, Flask: 250ml-6000ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard One	Vial: 20ml, Flask: 250ml-2500ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Internal Standard Two	Vial: 20ml, Flask: 250ml-5000ml	09/17/90
Bio-Rad Laboratories	REMEDI DPS Urine Calibrator	Vial: 20ml, Flask: 1L-10L	09/17/90
Bio-Rad Laboratories	Serum Calibrator 1	Amber vial: 20ml Polypropylene container: 20L	02/08/90
Bio-Rad Laboratories	Serum Calibrator 2	Amber vial: 20ml Polypropylene container: 20L	02/08/90
Bio-Rad Laboratories	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: 50ml	09/19/79
Bio-Rad Laboratories, (Chemical Division)	Barbitol Buffer	Vial: 10ml	07/21/76
Bio-Rad Laboratories, (Chemical Division)	Barbitol Buffer Powder	Plastic bottle: 250ml	07/21/76
Bio-Rad Laboratories, (Chemical Division)	Barbitol Buffer Powder	Plastic bottle: 250 ml	09/09/77
Bio-Rad Laboratories, (Chemical Division)	Barbitol Buffer-Dry Pack	Packages: 9.11 g., 18.21 g., 12.14 g.	05/09/74
Bio-Rad Laboratories, (Chemical Division)	Bio-Rad Electrophoresis Buffer	Bottle: 500ml	12/14/72
Bio-Rad Laboratories, (Chemical Division)	Electrophoresis Buffer, Dry-Pack	Package: 6.15 g.	12/14/72
Bio-Rad Laboratories, (Chemical Division)	Immuno-electrophoresis Barbitol Buffer I, pH 8.6	Dry-pack: 25.6 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Immuno-electrophoresis Barbitol Buffer II, pH 8.6	Dry-pack: 15.61 g.	08/06/75
Bio-Rad Laboratories, (Chemical Division)	Immuno-electrophoresis Barbitol Buffer III, pH 8.6	Dry-pack: 6.82 g.	01/22/76
Bio-Rad Laboratories, (Chemical Division)	Immuno-electrophoresis Barbitol 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, 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 Urine Toxicology Control-Law	Vials: 20 ml. each	04/13/88
Bio-Rad Laboratories, Inc.	Serum Calibrator for Benzodiazepines/Tricyclics, Contains 2.	Box: 2 vials	02/08/90
Biodiagnostic International	Liqui-Ura Toxic Control	Vial: 5ml	03/11/85
Bioscientific Corp./ECA	Agarose Barbitol Buffer CSB 470182	Vial: 7 drams	11/15/90
Bioscientific Corp./ECA	Agarose Barbitol Buffer ECA 470182	Vial: 12 drams; Box: 3 vials	11/15/90
Bioscientific Corp./ECA	Agarose Barbitol-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 4.5x5x5, Kit: 10 trays	09/10/90
Bioscientific Corp./ECA	LD Agarose Gel ECA 102	Plastic Tray 3x5x5, Kit: 10 trays	09/10/90
Bioscientific Corp./ECA	Protein Agarose Gel ECA 103	Plastic Tray 3x5x5, Kit: 10 trays	09/10/90
Bioscientific, Corporation	ECA Buffer, Catalog No. ECA 05805	Plastic Packet: 18.0 g., 10 packets per box	07/14/77
Biosite Diagnostics	Barbiturate Conjugate	Plastic Bottles: 5,15,30 & 60 ml	11/30/90
Biosite Diagnostics	Barbiturate Derivative	Vial: 8,16,32 ml	11/30/90
Biosite Diagnostics	Benzoyllecgonine Conjugate	Plastic Bottles: 5,15,30 & 60 ml	11/30/90
Biosite Diagnostics	Conjugate Beads (Bulk)	Bottles: 250ml - 1L	11/30/90
Biosite Diagnostics	Labeled Barbiturate Conjugate	Plastic Bottles: 0.5, 1.2 & 5 L	11/30/90
Biosite Diagnostics	Labeled Benzoyllecgonine Conjugate	Plastic Bottles: 0.5, 1.2 & 5 L	11/30/90
Biosite Diagnostics	Labeled Conjugate Mixture 1	Plastic Bottles: 5,10,20 & 50 L	11/30/90
Biosite Diagnostics	Labeled Conjugate Mixture 2	Plastic Bottles: 5,10,20 & 50 L	11/30/90
Biosite Diagnostics	Labeled Morphine Conjugate	Plastic Bottles: 0.5, 1.2 & 5 L	11/30/90
Biosite Diagnostics	Labeled THC Conjugate	Plastic Bottles: 0.5, 1.2 & 5 L	11/30/90
Biosite Diagnostics	Morphine Conjugate	Plastic Bottles: 5,15,30 & 60 ml	11/30/90
Biosite Diagnostics	THC Conjugate	Plastic Bottles: 5,15,30 & 60 ml	11/30/90
Biosite Diagnostics	Triage DOA Test Kit	Box: 25 pouches	11/30/90
Biosite Diagnostics	Triage Test Device	Metallic Pouch: 1 each	11/30/90
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

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
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 millicuries.	01/08/75
California Bionuclear Corporation	Secobarbital-2-C-14, Catalog No. 72675	Ampule: 50 microcuries, 0.1, 0.5, and 1.0 millicuries.	01/08/75
Cambridge Medical Diagnostics, Incorporated	125I Human Parathyroid Hormone 44-68	Vial: 5ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	125I-Tetraiodothyronine	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	125I-Triiodothyronine	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	Donkey Anti Goat Gamma Globulin	Vial: 5ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	Parathyroid Hormone (Human 1-84) Standard	6 Vials: 5ml each	03/29/85
Cambridge Medical Diagnostics, Incorporated	Parathyroid Hormone Assay Buffer	Vial: 10ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	T3 Anti-Serum (Rabbit)	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	T3 Standard	Vial: 1ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	T4 Antiserum (Rabbit)	Vial: 11ml	03/29/85
Cambridge Medical Diagnostics, Incorporated	T4 Standard	Vial: 1ml	03/29/85
Casco Standards	1-(1-Phenylcyclohexyl)pyrrolidine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	1-Phenylcyclohexylamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/23/90
Casco Standards	1-[1-(2-thienyl)-cyclohexyl]-piperidine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/23/90
Casco Standards	1-[1-(2-thienyl)-cyclohexyl]-pyrrolidine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 Plastic Cup: 125ml.	03/23/90
Casco Standards	11-OH-delta-8-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	11-OH-delta-9-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic cup: 125ml.	03/21/90
Casco Standards	11-nor-delta-8-THC-9-carboxylic acid Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	11-nor-delta-9-THC-9-carboxylic acid Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials	03/21/90
Casco Standards	8-B-11-dihydro-delta-9-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	8-B-OH-delta-9-THC Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Allobarbitol Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Alphenal Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50 75 vials Plastic cup: 125ml.	03/21/90
Casco Standards	Alprazolam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Amobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Aprobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Barbitol Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Benzoylgonine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Benzphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Bromazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Butabarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25, 50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Butalbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50, 75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Butethal Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cannabidiol Cross-Reactant	Cryo-Vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cannabinol Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic cup: 125ml.	03/21/90



## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Casco Standards	Chlordiazepoxide Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Clonazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cocaine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Cyclopentobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Diazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Ecgonine HCl Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Ecgonine-methyl ester HCl hydrate Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Fenfluramine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Flunitrazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Flurazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Halazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Hexobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Lorazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	MDA Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	MDE Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	MDMA Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Medazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Midazolam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Nitrazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 03/21/90.	03/21/90
Casco Standards	Nordiazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Oxazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Pentobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Phencyclidine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/23/90
Casco Standards	Phenmetrazine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Phenobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Phentermine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Pinazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Prazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Propylhexedrine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Secobarbital Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Talbutal Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Temazepam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	Triazolam Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	d-Amphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	d-Methamphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	l-Amphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Casco Standards	p-HO-Amphetamine Cross-Reactant	Cryo-vial: 1.1ml Box: 25,50,75 vials Plastic Cup: 125ml.	03/21/90
Ciba Corning Diagnostics	L-TDM III	Glass Vial: 5ml, Box: 15 Vials	05/23/89
Ciba Corning Diagnostics Corp	Ciba Corning TDM II	Vial: 5ml, 10 vials	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM III	Vial: 5ml, 10 vials	10/22/85
Ciba Corning Diagnostics Corp	AACC Tox	Glass Vial: 30ml	01/20/86
Ciba Corning Diagnostics Corp	Ciba Corning ANTICONV/ASTH I, II	Kit Contains: 10ml vial, 6 Vials each level	10/22/85
Ciba Corning Diagnostics Corp	Ciba Corning TDM I	Vial: 5ml, 10 vials	10/22/85

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
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 TOX I,II	Kit: Contains: 10ml vial, 5 Vials each level	12/16/85
Ciba Corning Diagnostics Corp.	Ciba Corning Urine II	Vial:30ml	05/22/85
Ciba Corning Diagnostics Corp.	DAU I, No. 9076	Glass vial: 25ml, Box: 10 vials	05/23/89
Ciba Corning Diagnostics Corp.	DAU II No. 9077	Glass Vial: 25ml, Box: 10 vials	05/23/89
Ciba Corning Diagnostics Corp.	DAU III, No. 9078	Glass vial: 25ml, Box: 10 Vials	05/23/89
Ciba Corning Diagnostics Corp.	DAU IV, No. 9079	Glass Vial: 25ml, Box: 10 Vials	05/23/89
Ciba Corning Diagnostics Corp.	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.	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: 5ml, Box: 15 Vials	05/23/89
Ciba Corning Diagnostics Corp.	LVM HI-CHEM DIL	Vial: 10ml	06/21/90
Ciba Corning Diagnostics Corp.	LVM, Product Code - 9774	Carton: 12 vials	06/21/90
Ciba Corning Diagnostics Corp.	MULTIQUAL ABN UNASY	Vial: 3ml, 10ml, Carton: 15 vials, 10 vials	04/09/89
Ciba Corning Diagnostics Corp.	MULTIQUAL NOR UNASY	Vial: 3ml, 10ml, Carton: 15 vials, 10 vials	04/09/89
Ciba Corning Diagnostics Corp.	Magic Ferritin 2000 Standard	Plastic Vial: 1 ml	01/19/87
Ciba Corning Diagnostics Corp.	Magic Ferritin Controls	Plastic Vial: 5 ml	01/19/87
Ciba Corning Diagnostics Corp.	Magic Ferritin Standards	Polypropylene Vial: 3 ml	09/16/86
Ciba Corning Diagnostics Corp.	Magic Ferritin Zero Standard	Plastic Vial: 50 ml	01/19/87
Ciba Corning Diagnostics Corp.	Magic Lite Ferritin Bulk Lite 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 Lite Reagent	Plastic Vial: 10 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 T4 Antibody	Plastic Vial: 50 ml and 200 ml	02/16/88
Ciba Corning Diagnostics Corp.	Magic T4 Antibody	Vial: 50ml, 200ml	11/01/90
Ciba Corning Diagnostics Corp.	QCS ABN ASY	Vial: 5ml, Kit: 5 vials	01/21/89
Ciba Corning Diagnostics Corp.	QCS ABN ASY No. 9705/9705A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp.	QCS ABN ASY No. 9707/9707A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp.	QCS ABN UNASY No. 9691/9691A	Box: 40 vials, Vial: 25 ml	12/15/89
Ciba Corning Diagnostics Corp.	QCS ABN UNASY No. 9717/9717A	Box: 10 vials, Vial: 10 ml	12/15/89
Ciba Corning Diagnostics Corp.	QCS NOR ASY	Vial: 5 ml, Kit: 5 vials	01/21/89
Ciba Corning Diagnostics Corp.	QCS NOR ASY No. 9702/9702A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp.	QCS NOR ASY No. 9704/9704A	Box: 10 vials, Vial: 5 ml	12/15/89
Ciba Corning Diagnostics Corp.	QCS Nor UNASY No. 9681/9681A	Box: 40 vials, Vial: 25 ml	12/15/89
Ciba Corning Diagnostics Corp.	QCS Nor UNASY No. 9716/9716A	Box: 10 vials, Vial 10 ml	12/15/89
Ciba Corning Diagnostics Corp.	Reagent A- Alt 14	Vial: 15 ml	03/24/79
Ciba Corning Diagnostics Corp.	Reagent A- Alt 7	Vial:15 ml	03/24/79
Ciba Corning Diagnostics Corp.	Reagent A-Ammonia 10	Vial:10 ml	03/24/79
Ciba Corning Diagnostics Corp.	Special Barbitol Buffer Set, Catalog No. 470182	Vial: 3 per kit	04/17/79
Ciba Corning Diagnostics Corp.	Universal Electrophoresis Film Agarose, Catalog No. 470100	Plates: 12 per kit	04/17/79
Ciba Corning Diagnostics Corp.	Universal PHAB Buffer Set Catalog No. 470180	Kit: 3 vials per kit	09/26/79
Ciba Corning Diagnostics Corp.	Magic Lite HCG Solid Phase	Plastic vial: 50ml, Kit: 100 tests	12/09/88
Cone Biotech, Inc.	American Association of Bioanalysts, Urine Toxicology Survey.	Vial: 20ml Kit: 2 vials	05/30/90
Cone Biotech, Inc.	CAP/Cocaine Reference Material Levels II, III, and IV.	Vial: 20 ml	03/07/88
Cone Biotech, Inc.	College of American Pathologists (CAP) Reference Material for Cocaine in Urine.	Vial: 15ml Kit: 4 vials	05/30/90
Cone Biotech, Inc.	College of American Pathologists Forensic Urine Drug Testing Survey Material (AACC/CAP).	Vial: 100ml	05/30/90
Cone Biotech, Inc.	College of American Pathologists Toxicology Survey (CAP).	Vial: 50ml	05/30/90
Cone Biotech, Inc.	College of American Pathologists Urine Toxicology Survey (CAP).	Vial: 50ml	05/30/90
Cone Biotech, Inc.	QCM-UT1	Vial: 20ml	03/07/85
Cone Biotech, Inc.	RIATRAC-Three Level Ligand Assay Controls	Vials: 8ml	02/27/84
Cone Biotech, Inc.	UDM-CAP/AACC Forensic Urine Drug Testing Survey (Initial Phase).	Bottle:60 ml	08/31/87
Cone Biotech, Inc.	UDS and UDC CAP/AACC Forensic Urine Drug Testing.	Vial: 30 ml	01/06/88
Diagnostic Products Corporation	125-I Barbiturate Isotope: Cat. No. TBA2, TBAY2	Vial: 110 ml, 550 ml	03/01/88
Diagnostic Products Corporation	125-I Benzoylcegonine Isotope: Cat. No. TCN2, TCNY2	Vial: 100 ml, 550 ml	03/01/88
Diagnostic Products Corporation	125-I Benzoylcegonine 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-B	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Amphetamine Calibrators Cat. No. MAP 4-8	Vial: 5ml	07/05/90
Diagnostic Products Corporation	Amphetamine Controls, Cat. No. ACO1, ACO2	Vial: 5 ml	03/20/89
Diagnostic Products Corporation	Amphetamine Controls: Cat. No. SAC01, SAC02	Vial: 100 ml	03/01/88

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
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	Benzoylcegonine Calibrators (CAC) B-F: Cat. No. COC4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Benzoylcegonine Calibrators (DA) B-F: Cat. No. CND4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Benzoylcegonine Calibrators (DA): Cat. No. CNC4-8.	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Benzoylcegonine Reference Preparation (DA): Cat. No. 5YCN5.	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Benzoylcegonine 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	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 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. TKOS1, 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	Donkey Anti-Goat Gamma Globulin (PTH-Ultra): Cat. No. PTDG.	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	Double Antibody Amphetamine, Cat. No. KAPD1, KAPD5.	Kit: 6 vials	03/20/89
Diagnostic Products Corporation	Double Antibody Amphetamine, Qualitative Determinations In Urine: Cat. No. KAPDY.	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Amphetamine: Cat. No. KAPD1, KAPD5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cannabinoids (THC) In Urine: Cat. No. KTHD1, KTHD5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cannabinoids (THC) Quantitative Determinations In Urine: Cat. No. KTHDY.	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cocaine Metabolite Qualitative Determination In Urine: Cat. No. KCNDY.	Kit: 2500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody Cocaine Metabolite: Cat. No. KCND1, KCND5.	Kit: 100 tests, 500 tests	03/01/88
Diagnostic Products Corporation	Double Antibody PTH-C: KPDC1, KPDC2	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 Ultra-PTH: Cat. No. KPTD1, KPTD2.	Kit: 70 tests, 140 tests	03/01/88
Diagnostic Products Corporation	Enzyme-Labeled Amphetamine Cat. No. MEAP2, 5MEAP2.	Vial: 20ml, 60ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled Methamphetamine Cat. No. MEMA2, 5MEMA2.	Vial: 11ml, 60ml	09/28/90
Diagnostic Products Corporation	Enzyme-Labeled Opiates Cat. No. MEOP2, 5MEOP2.	Vial: 20ml, 60ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled PCP Cat. No. MEPC2, 5MEPC2	Vial: 20ml, 60ml	07/05/90
Diagnostic Products Corporation	Enzyme-Labeled THC Cat. No. METH 2, 5METH2.	Vial: 20ml, 60ml	07/05/90

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Diagnostic Products Corporation	Fentanyl Calibrators: Cat. No. FNC4-9	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Goat Anti-Rabbit Gamma Globulin/4% PEG Saline: Cat. No. 5N6	Vial: 110 ml, 320 ml	03/01/88
Diagnostic Products Corporation	LSD Calibrators B-F, Cat. No. LSCH-8	Vial: 5 ml	03/20/89
Diagnostic Products Corporation	LSD Controls, Cat. NO. 5LCO1, 5LCO2, LSCO1, LSCO2	Vial: 120ml, 5ml	03/20/89
Diagnostic Products Corporation	LSD Isotope, Cat. No. TLYS2, TLYS2	Vial: 105 ml, 550 ml	03/20/89
Diagnostic Products Corporation	LSD Reference Preparation, Cat. No. 5YLS6	Vial: 120ml	03/20/89
Diagnostic Products Corporation	Low and High Barbiturate Urinary Controls: Cat. No. 5BCO1, 5BCO2	Vial: 100 ml	03/01/88
Diagnostic Products Corporation	Low and High Benzoylcegonine 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: 5ml	09/28/90
Diagnostic Products Corporation	Methaqualone Calibrators: Cat. No. MQC4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Mid-Molecule PTH Antiserum: Cat. No. PMD1	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	Milenia Amphetamine Cat. No. MKAP1, MKAP5	Kit: 7 vials, 96 tests, 480 tests	07/05/90
Diagnostic Products Corporation	Milenia Cannabinoids Cat. No. MK TH1, MKTH5	Kit: 6 vials, 96 Tests, 480 Tests	07/05/90
Diagnostic Products Corporation	Milenia Methamphetamine Cat. No. MKMA1, MKMA5	Kit: 96 wells, 480 wells	09/28/90
Diagnostic Products Corporation	Milenia Opiates Cat. No. MKOP1, MKOP5	Kit: 6 vials, 96 Tests, 480 Tests	07/05/90
Diagnostic Products Corporation	Milenia PCP Cat. No. MKPC1, MKPC5	Kit: 6 vials, 96 tests, 480 tests	07/05/90
Diagnostic Products Corporation	Morphine Calibrators: Cat. No. MPC4-8	Vial: 3.5 ml, 10 ml	03/01/88
Diagnostic Products Corporation	Morphine Reference Preparation: Cat. No. 5YMPY7	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Opiate Calibrators: Cat. No. OSC4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Opiate Cartridges Cat. No. VOSDC	Cartridge: 5ml	07/05/90
Diagnostic Products Corporation	Opiates Calibrators Cat. No. MOP 4-7	Vial: 5ml	07/05/90
Diagnostic Products Corporation	Opiates Positive Reference Cat. No. VOSPC	Vial: 1ml	07/05/90
Diagnostic Products Corporation	Opiates Reference Preparation: Cat. No. 5YOS7	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	PCP Calibrators Cat. No. MPC 3-7	Vial: 5ml	07/05/90
Diagnostic Products Corporation	PCP Calibrators: Cat. No. PCC4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	PCP Reference Preparation: Cat. No. 5YPC6	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	PTH (C-Terminal) Isotope: Cat. No. PCD2	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	PTH (Ultra) Antiserum: Cat. No. PTD1	Vial: 5 ml	03/01/88
Diagnostic Products Corporation	PTH (Ultra) Isotope: Cat. No. PTD2	Vial 5 ml	03/01/88
Diagnostic Products Corporation	PTH-M Isotope: Cat. No. PMD2	Vial: 10 ml	03/01/88
Diagnostic Products Corporation	Serum Morphine Calibrators: Cat. No. SMC4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	Serum Morphine Controls: Cat. No. SMCO2, SMCO3	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	THC Calibrators B-F: Cat. No. THD4-8	Vial: 3.5 ml	03/01/88
Diagnostic Products Corporation	THC Calibrators Cat. No. MTH 4-7	Vial: 5ml	07/05/90
Diagnostic Products Corporation	THC Reference Preparation: Cat. No. 5YTH7	Vial: 120 ml	03/01/88
Diagnostic Products Corporation	Ten One Opiates Cat. No. VKSO1, VKSO4	Kit: 1 vial, 12 & 48 5ml cartridges	07/05/90
Diagnostic Products Corporation	Triiodothyronine (T3) Isotope: Cat. No. TT32	Vial: 120 ml	03/01/88
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: 5ml	08/09/73
Diamedix Corporation	EDTA (0.01M)-GVB Buffer, 753-031	Bottle: 5ml	08/09/73
Diamedix Corporation	GVB(3+) Buffer 753-037	Bottle: 50ml	08/09/73
Diamedix Corporation	Glucose-GVB 1 Buffer, 753-036	Bottle: 50ml	08/09/73
Duo Research, Inc.	Drug Testing Assessment Program Quality Control Samples	Kit: 25 bottles	12/26/86
Duo Research, Inc.	Drug Testing Assessment Program-Quality Control Sample	Bottle: 65ml	02/27/86
Duo Research, Inc.	Drug Testing Assessment Program-Quality Control Sample Kit	Kit: 5-65ml bottles	02/27/86
E.I. duPont de Nemours & Co., Inc.	(1) PREP Sample Preparation and Analysis Kit	Kit containing following:	09/25/78
E.I. duPont de Nemours & Co., Inc.	(2) PREP Buffer/Internal Standard and Liquid Chromatography Verifier	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Inc.	(2a) PREP Liquid Chromatography Verifier	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc.	(2b) PREP Buffer/Internal Standard	Vial: 100ml (3 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Inc.	(3) PREP Calibrators	Box containing following:	09/25/78
E.I. duPont de Nemours & Co., Inc.	(3a) PREP Calibrator-Level 1	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc.	(3b) PREP Calibrator-Level 2	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc.	(3c) PREP Calibrator-Level 3	Vial: 10ml (1 vial/box)	09/25/78
E.I. duPont de Nemours & Co., Inc.	(3d) PREP Calibrator-Level 4	Vial: 10ml (1 vial/box)	09/25/78

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
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: 10ml (2 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Inc.	(4b) PREP Control-High Level	Vial: 10ml (2 vials/box)	09/25/78
E.I. duPont de Nemours & Co., Inc.	DM/TU Saturating Reagent	Plastic Bottle: 1L, 10L, 20L	02/22/89
E.I. duPont de Nemours & Co., Inc.	DuPont Drug Calibrators- Levels 1 through 5	Vial: 6ml (1 vial and 2 vials/box)	04/04/86
E.I. duPont de Nemours & Co., Inc.	DuPont Phenobarbital Assay	Vial: 6 ml	10/13/86
E.I. duPont de Nemours & Co., Inc.	DuPont U Amp Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc.	DuPont U Barb Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc.	DuPont U Benz Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc.	DuPont U COC Enzyme Pack Reagent	Bottle: 1 liter	10/19/87
E.I. duPont de Nemours & Co., Inc.	DuPont U OPI Enzyme Pack Reagent	Bottle: 1 liter	08/28/87
E.I. duPont de Nemours & Co., Inc.	DuPont U THC Enzyme Pack Reagent	Bottle: 1 Liter	01/04/88
E.I. duPont de Nemours & Co., Inc.	DuPont Urine Drugs-of-Abuse Calibrator (Levels 0,1,2).	Box: 6 Vials, 6ml Vial	07/27/87
E.I. duPont de Nemours & Co., Inc.	DuPont Urine Drugs-of-Abuse Control	Vial: 6 ml	08/03/87
E.I. duPont de Nemours & Co., Inc.	DuPont aca Barbiturate Screen Analytical Test Pack	Plastic Packs: 25 tests	12/23/84
E.I. duPont de Nemours & Co., Inc.	DuPont aca Barbiturate Screen/Benzodiazepine Screen Calibrator	6 Vials: 3ml	02/23/84
E.I. duPont de Nemours & Co., Inc.	DuPont aca Benzodiazepine Screen Analytical Test Pack	Plastic Packs: 25 tests	02/23/84
E.I. duPont de Nemours & Co., Inc.	Phenobarbital Calibrator- Level 1	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc.	Phenobarbital Calibrator- Level 2	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc.	Phenobarbital Calibrator- Level 3	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc.	Phenobarbital Calibrator- Level 4	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc.	Phenobarbital Calibrator- Level 5	Vial: 6ml (1 vial/box)	04/02/86
E.I. duPont de Nemours & Co., Inc.	Theophylline Calibrator Levels 1, 2 and 3	Vial: 6 ml. Box contains 2 vials each level	08/21/88
E.I. duPont de Nemours & Co., Inc.	Thyroid Rotor	Foil Pouch: 1 Rotor Shelf Carton: 10 Rotors Box: 5 Shelf Cartons(50 Rotors).	10/25/88
E.I. duPont de Nemours & Co., Inc.	Thyronine (TU) Uptake Flex	32 Test Cartridge, Carton: 7 cartridges	03/29/89
E.I. duPont de Nemours & Co., Inc.	Thyronine (TU) Uptake Flex(tm) Reagent Cartridge	Plastic container: 2.3ml (20 tests)	04/28/86
E.I. duPont de Nemours & Co., Inc.	Urine Amphetamine (U Amp) Test Pack	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc.	Urine Barbiturate (U Barb) Test Pack	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc.	Urine Benzodiazepine (U Benz) Test Pack	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc.	Urine Cannabinoid (U THC) Test Pack	Carton: 50 tests	11/09/87
E.I. duPont de Nemours & Co., Inc.	Urine Cocaine (U COC) Test Pack	Carton: 50 tests	08/27/87
E.I. duPont de Nemours & Co., Inc.	Urine Opiate (U OPI) Test Pack	Carton: 50 tests	07/08/87
E.I. duPont de Nemours & Co., Inc.	aca PHNO Analytical Test Pack	Carton: 40 tests packs	08/25/77
E.I. duPont de Nemours & Co., Inc.	aca Thyronine 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	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	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	d-Amphetamine Sulfate (3H(G)), Catalog No. NET-140.	Combi-Vial: 250 microcuries, 1 millicurie, and 5 millicuries.	01/04/77
E.I. duPont de Nemours and Co., Inc.	DuPont Drug Calibrator-A (levels 1-5)	Vial: 6ml, Box: 10 vials	09/28/90
EM Diagnostic Systems, Inc.	EMDS Antiepileptic Drug Calibrator Item No. 67830/95.	Box: 3 Vials, 5 ml each	06/11/86

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
EM Diagnostic Systems, Inc.	EMDS Test Packs, Phenobarbital (PHENO) Item No. 67677/95.	Carton: 48 Test Packs	08/09/86
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 Laboratories, Incorporated	VIRGO IPA Immuno-Precipitation Assay for Phenobarbital.	Kit	11/30/82
Endocrine Metabolic Center	0.1% Lysozyme-Barbital Buffer, 0.05M	Glass Bottle: 2 liter	05/28/87
Endocrine Metabolic Center	1% Lysozyme-Barbital Buffer, 0.05M	Glass Bottle: 2 liter	05/28/87
Endocrine Metabolic Center	Barbital Buffer, 0.05M	Plastic Bottle: 3000 ml	05/28/87
Endocrine Metabolic Center	Barbital Buffer, 0.1M	Plastic Bottle: 3000 ml	05/28/87
Endocrine Metabolic Center	Tracer Diluent	Glass Bottle: 1 or 2 liter	05/28/87
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid Enzyme Conjugate	Ampule: 1 ml	02/03/87
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid Kit Catalog No. 216-2BP.	Kit: 1 test	02/03/87
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid Positive Control	Ampule: 1 ml	02/03/87
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid/Cocaine-Enzyme Conjugate.	Polyethylene Tube: containing ampule with 1 tablet, Kit: 1 test.	12/20/88
Environmental Diagnostics, Inc.	EZ-Screen: Cannabinoid/Cocaine-Positive Control.	Polyethylene Tube: 2.2 ml, Kit: 1 test.	12/20/89
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 011815-0247-1.	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 8.8, 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	04/08/72
Gelman Sciences, Inc.	Drug Standard Set, No 51910	Set: 3 vials of 2 ml each	04/08/72
Gelman Sciences, Inc.	HI-Phore Buffer	Glass Vial: 15 g.	02/11/82

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
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 Maintenance Additive	Drums: 5 Gallons	09/30/85
Hach Chemical Co.	pH 8.3 Buffer Powder Pillows. No.898-98	Pillow: 1 g. each	11/30/71
Helena Laboratories	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: 13.1g. 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> X 0.6>)	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> X 5.5>)	03/30/89
Helena Laboratories	REP-HDL-12 Isoenzyme Kit Cat. No. 3187	Kit: 10 Plates (5.8> X 2.18>)	09/15/88
Helena Laboratories	REP-HDL-30 Isoenzyme Kit Cat. No. 3186	Kit: 10 Plates (5.8> X 5.5>)	09/15/88
Helena Laboratories	REP-HDL-6 Isoenzyme Kit Cat. No. 3188	Kit: 10 Plates (5.8> X 1.25>)	09/15/88
Helena Laboratories	REP-Lipo-12 Kit Cat. No. 3181	Kit: 10 Plates (5.8> X 2.18>)	09/15/88
Helena Laboratories	REP-Lipo-30 Kit Cat. No. 3180	Kit: 10 Plates (5.8> X 5.5>)	09/15/88
Helena Laboratories	REP-Lipo-6 Kit Cat. No. 3182	Kit: 10 Plates (5.6> X 1.25>)	09/15/88
Helena Laboratories	REP-SP-12 Isoenzyme Kit Cat. No. 3171	Kit: 10 Plates (5.8> X 2.18>)	09/15/88
Helena Laboratories	REP-SP-30 Isoenzyme Kit Cat. No. 3170	Kit: 10 Plates (5.8> X 5.5>)	09/15/88
Helena Laboratories	REP-SP-6 Isoenzyme Kit Cat. No. 3172	Kit: 10 Plates (5.8> X 1.25>)	09/15/88
Helena Laboratories	Super Z-12XHDL Cholesterol Supply Kit Catalog No. 5470).	Kit: 3 Packages buffer 36 g.	01/24/86
Helena Laboratories	TITAN GEL Alkaline Phosphatase (HR) 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 (90mm X 75mm), 2 Packages Buffer.	03/03/86
Helena Laboratories	Titan Gel High Resolution Protein Plate	Plate: (90mm X 75mm)	03/03/86
Helena Laboratories	Titan Gel IFE Buffer	Packet: 25.9 g.	12/18/85
Helena Laboratories	Titan Gel IFE Plate	Plate: (90mm X 75mm)	03/05/86
Helena Laboratories	Titan Gel Immuno Fix Kit Catalog No.3046	Kit: 10 Plates (90mm X 75mm), 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: (90mm X 75mm)	12/18/85
Helena Laboratories	Titan Gel Iso Dot LDH Kit Catalog No.3062	Kit: 10 Plates (90mm X 75mm), 1 Packet Iso Dot LDH Buffer.	01/24/86
Helena Laboratories	Titan Gel LD Buffer	Packet: 21.5 g.	11/26/86
Helena Laboratories	Titan Gel LD Isoenzyme Diluent	Bottle: 10 ml	11/26/86
Helena Laboratories	Titan Gel LDH Isoenzyme Buffer	Packet: 22.7 g.	03/07/83
Helena Laboratories	Titan Gel LDH Isoenzyme Plate	Plate: (90mm X 75mm)	12/18/85
Helena Laboratories	Titan Gel LDH Isoenzyme Reagent	Vial: 2ml, 10 vials/box	01/07/86
Helena Laboratories	Titan Gel Lipoprotein Buffer	Packet: 17.3 g.	12/18/85
Helena Laboratories	Titan Gel Lipoprotein Kit Catalog No.3045	Kit: 1 Packet Buffer	01/24/86
Helena Laboratories	Titan Gel Lipoprotein Plate	Plate: (90 x 75 mm)	01/09/87
Helena Laboratories	Titan Gel Multi-Slot Lipo-17 Kit Catalog No. 3095	Kit: 10 plates (81 x 143 mm) 1 packet buffer (21.6 g).	01/09/87
Helena Laboratories	Titan Gel Multi-Slot Lipo-17 Plate	Plate: (81 x 143 mm)	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP-17 Kit Catalog No. 3091	Kit: 10 plates (81 x 143 mm) 1 packet buffer (29.1 g).	01/09/87
Helena Laboratories	Titan Gel Multi-Slot SP-17 Plate	Plate: 81 x 143 mm	01/09/87
Helena Laboratories	Titan Gel Serum Protein Buffer	Packet: 29.1 g.	04/12/83
Helena Laboratories	Titan Gel Serum Protein Kit Catalog No. 3041	Kit: 10 Plates (90mm X 75mm), 1 Packet Buffer	01/24/86
Helena Laboratories	Titan Gel Serum Protein Plate	Plate: (90mm X 75mm)	12/18/85
Helena Laboratories	Titan Gel Silver Stain Buffer	Packet: 25.9 g.	12/18/85
Helena Laboratories	Titan Gel Silver Stain Kit Catalog No.3035	Kit: 10 Plates (90mm X 75mm), 2 Packets Buffer	01/24/86
Helena Laboratories	Titan Gel Silver Stain Plate	Plate: (90mm X 75mm)	03/03/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Kit Catalog No. 3053.	Kit: 10 Plates (90mm X 75mm), 1 Packet LDH Buffer, 1 Box LDH Reagent.	01/24/86
Helena Laboratories	Titan Gel-PC LDH Isoenzyme Plate	Plate: (90mm X 75mm)	12/18/85
Helena Laboratories	Titan III Agar Catalog No. 5023	Packet: 5 g. (5 Packets/box)	12/28/73
Helena Laboratories	Titan IV IE Plate (large)	Package: plates, 3 by 4 in.	12/28/73
Helena Laboratories	Titan IV IE Plate (small)	Package: plates, 1 by 3 in.	12/28/73
Helena Laboratories	Titan IV IE Plate Kit	Kit: 12 small (1 by 3 in.) IE plates, 1 box B1 Buffer.	12/28/73
Helena Laboratories	Titan IV IE Plate Kit	Kit: 10 large (3 by 4 in.) IE Plates, 1 box B1 Buffer.	12/28/73

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Hycor Biomedical, Inc.	Hycor AccuPINCH Cocaine Test	Bottle: 3ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc.	Hycor AccuPINCH Morphine Test	Bottle: 3ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc.	Hycor AccuPINCH Phencyclidine Test	Bottle: 3ml Kit: 50 tests	08/21/90
Hycor Biomedical, Inc.	Sentry Drugs of Abuse Urine Calibrator BARBITURATES Urine Calibrator - 4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc.	Sentry Drugs of Abuse Urine Calibrator DELTA-9-THCC Urine Calibrator - 4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc.	Sentry Drugs of Abuse Urine Calibrator NORDIAZEPAM Urine Calibrator - 3 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc.	Sentry Drugs of Abuse Urine Calibrator OPIATES Urine Calibrator - 4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc.	Sentry Drugs of Abuse Urine Calibrator PHENCYCLIDINE Urine Calibrator - 4 levels.	Bottle: 10ml Kit: 4 bottles, 12 bottles	08/24/90
Hycor Biomedical, Inc.	Sentry Drugs of Abuse Urine Calibrator, Amphetamine Urine Calibrator - 4 level.	Vial: 10ml, Kit: 12 vials, Kit: 4 vials	03/29/89
Hycor Biomedical, Inc.	Sentry Drugs of Abuse Urine Calibrator, Benzoyllecgonine Urine Calibrator - 4 level.	Vial: 10ml, Kit: 12 vials, Kit: 4 vials	03/29/89
Hycor Biomedical, Inc.	Sentry Ligand/Combo Control High Level	Vial: 10ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc.	Sentry Ligand/Combo Control Low Level	Vial: 10ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc.	Sentry Ligand/Combo Control Mid Level	Vial: 10ml Box: 15 vials	03/01/90
Hycor Biomedical, Inc.	Sentry Ligand/Combo Control Multi-Pack	Kit: 15 vials	03/01/90
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, HIGH POSITIVE.	Bottle: 30ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, LOWER THRESHOLD.	Bottle: 30ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Comprehensive Urine Control, UPPER THRESHOLD.	Bottle: 30ml	02/24/89
Hycor/ICL Scientific	Drugs of Abuse Urine Control, CONFIRMATION	Box: 4-100 ml Bottles	10/21/88
Hycor/ICL Scientific	Drugs of Abuse Urine Control, SCREEN	Box: 4-30 ml Bottles	10/21/88
ICL Scientific	Therapeutic Drug Control I, TDC I (High Level)	Glass Vial: 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control I, II, III, Tri-Level TDC Multipack	Glass Vials (12): 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control II, TDC II (Mid-Level)	Glass Vial: 10ml	08/14/85
ICL Scientific	Therapeutic Drug Control III, TDC III (Low Level)	Glass Vial: 10ml	08/14/85
ICN Micromedic Systems, Inc.	Immunogen: BZ-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc.	Immunogen: BZ-B	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc.	Immunogen: CD-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc.	Immunogen: M-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc.	Immunogen: M-B	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc.	Immunogen: TF-A	Plastic Vial: 1.5 ml	02/29/88
ICN Micromedic Systems, Inc.	Micromedic Combostat THC/Cocaine STANDARDS-2, 3, and 4.	Amber Glass Vial: 2 ml Plastic Bottle: 100 ml	02/24/88
ICN Micromedic Systems, Inc.	Micromedic CrackPot 57Co/125I Tracer Solution	Plastic Bottle: 25 ml, 1000 ml	02/24/88
Micromedic Morphine 125I Tracer Solution	Bottle: 50 ml, 1000 ml	02/29/88	
ICN Micromedic Systems, Inc.	Micromedic Morphine Standards 2, 3 and 4	Bottle: 5 ml, 100 ml	02/29/88
Immunotech Corp.	Amphetamine Enzyme Conjugate	Bottle: 10.5ml	09/28/89
Immunotech Corp.	Amphetamine Positive Urine Calibrator	Bottle: 1ml	09/28/89
Immunotech Corp.	Amphetamine-ALK Phos Cat. No. 612; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp.	Amphetamine-HRP Cat. No. 613; 50 units	Bottle: 10ml	03/12/90
Immunotech Corp.	Benzoyllecgonine-ALK Phos Cat. No. 602; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp.	Benzoyllecgonine-HRP Cat. No. 604; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp.	Cocaine Metabolite Enzyme Conjugate	Vial: 10.5ml	09/28/89
Immunotech Corp.	Cocaine Metabolite Positive Urine Calibrator	Vial: 2ml	09/28/89
Immunotech Corp.	Delta-8-tetrahydrocannabinol-ALK Phos Cat. No. 618; 50 units, 300 units.	Bottle: 10 ml	03/12/90
Immunotech Corp.	Delta-8-tetrahydrocannabinol-HRP Cat. No. 618; 50 units.	Bottle: 10ml	03/12/90
Immunotech Corp.	ENDAB Phenobarbital Kit, Cat. No. 119	Kit: 100 tests, 4 Bottles: 1 ml ea.	09/28/89
Immunotech Corp.	Methamphetamine-ALK Phos Cat. No. 614; 50 units.	Bottle: 10ml	03/12/90
Immunotech Corp.	Methamphetamine-HRP Cat. No. 615; 50 units	Bottle: 10 ml	03/12/90
Immunotech Corp.	Micro Dau Amphetamine Enzyme Immunoassay Test Kit	Kit: 96 tests, Bottle: 10.5 ml, 2 ml	09/28/89
Immunotech Corp.	Micro Dau 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. No. 610; 50 units, 300 units.	Bottle: 10ml	03/12/90
Immunotech Corp.	Morphine-HRP Cat. No. 611; 50 units, 300 units	Bottle: 10ml	03/12/90



## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Immunotech Corp.	Oplates Enzyme Conjugate	Vial: 10 ml	12/19/89
Immunotech Corp.	Oxazepam Enzyme Conjugate	Bottle: 10.5ml	09/28/89
Immunotech Corp.	Oxazepam Positive Urine Calibrator	Bottle: 2ml	09/28/89
Immunotech Corp.	Oxazepam-ALK Phos Cat. No. 608; 50 units	Bottle: 10ml	03/12/80
Immunotech Corp.	Oxazepam-HRP Cat No. 608; 50 units	Bottle: 10ml	03/12/80
Immunotech Corp.	PCP Enzyme Conjugate Cat. No. 375	Vial: 20ml	07/11/90
Immunotech Corp.	PCP Positive Urine Calibrator Cat. No. 418	Vial: 3ml	07/11/90
Immunotech Corp.	Phenobarbital Enzyme Conjugate	Bottle: 10.0ml	09/28/89
Immunotech Corp.	Phenobarbital Serum Standard: 3ug/ml, 10ug/ml, 30ug/ml, 80ug/ml.	4 Bottles: 1ml each	09/28/89
Immunotech Corp.	THC Enzyme Conjugate Cat. No. 373	Vial: 20ml	07/11/90
Immunotech Corp.	THC Positive Urine Calibrator Cat No. 418 50ng/ml, 417 100ng/ml.	Vial: 3ml	07/11/90
Industrial Analytical Laboratory, Inc.	11-Nor-Carboxy-Delta-9-Tetrahydrocannabinol	Ampule:1ml	09/04/85
Industrial Analytical Laboratory, Inc.	11-hydroxy-delta-9-tetrahydrocannabinol	Ampule:1 ml	02/18/87
Industrial Optical	Opti-Kleen	Bottle:5 gallon	06/24/81
International BioClinical, Inc.	Innofluor Phenobarbital Calibrators 0.0, 3.0, 8.0, 20.0, 40.0, and 80.0 mcg/ml.	Bottle: 3 ml	07/09/87
International BioClinical, Inc.	Phenobarbital Stock Tracer	Vial: 5 ml	09/23/87
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	Immunoelctrofilm Catalog No.910	1 Film Sealed in Cardboard Container	03/11/80
Kallestad Diagnostics	Immunoelctrofilms, Catalog No. 1013	Styrofoam Container: 25 film	06/22/87
Kallestad Diagnostics	Immunoelctrophoresis Reagent Kit, Catalog No. 1012.	Kit: 3 Vials	06/22/87
Kallestad Diagnostics	Quanticot 125I-T3 Uptake Kit Catalog No. 823	Kit:400 Determinations	12/16/85
Kallestad Diagnostics	Quanticot 125I-T3 Uptake Kit, Catalog No. 833	Kit:100 tests	06/24/81
Kallestad Diagnostics	Quanticot 125I-T3 Uptake Reagent Catalog No. 785.	Bottle:500ml	12/16/85
Kallestad Diagnostics	Quanticot 125I-T3 Uptake Reagent No.834	2 Glass Bottles: 110ml	06/24/81
LKB Instruments, Inc.	Tris-barbiturate Buffer pH 8.8	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	Packsge:6.510 grams	08/26/72
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl) Barbituric Acid	Screw Cap Vial:8ml	05/03/73
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl)Barbituric Acid Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial:8ml	05/03/73
Materials & Technology Systems	5-Ethyl-5-(1 -Carboxy-N-Propyl)Barbituric Acid Sensitized RBC.	Vaccine Vial:8ml	05/03/73
Materials & Technology Systems	Barbiturate Standard	Screwcap Vial:10ml	09/17/76
Materials & Technology Systems	Benzoyl Ecgonine	Screw Cap Vial:25mg and 100 mg	04/18/74
Materials & Technology Systems	Benzoyllecgonine Standard	Screwcap Vial:10ml	09/17/76
Materials & Technology Systems	Carboxymethyl-Morphine	Screw Cap Vial:8ml	05/03/73
Materials & Technology Systems	Carboxymethyl-Morphine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial:8ml	05/03/73
Materials & Technology Systems	Carboxymethylmorphine Sensitized RBC	Vaccine Vial:50ml	05/03/73
Materials & Technology Systems	Ecgonine Bovine Serum Albumin or Rabbit Serum Albumin.	Vaccine Vial:8ml	05/03/73
Materials & Technology Systems	Ecgonine Sensitized RBC	Vaccine Vial:50ml	05/03/73
Materials & Technology Systems	Methadone Standard	Screwcap Vial:10ml	09/17/76
Materials & Technology Systems	Morphine Standard	Screw Cap Vial:10ml	07/17/73
Materials & Technology Systems	Tropinecarboxylic Acid	Screw Cap Vial:8ml, 10ml	05/03/73
Medi-Chem, Inc.	Barbiturate Test Set (Sodium Secobarbital Standard 10mg % w/v) Catalog No.250.	Bottle: 120ml	02/22/74
Medical Analysis Systems, Inc.	ACE II Calibrator for the DuPont aca Level 1	Glass Vial: 22 X 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc.	ACE II Calibrator for the DuPont aca Level 2	Glass Vial: 22 X 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc.	ACE II Calibrator for the DuPont aca Level 3	Glass Vial: 22 X 38mm, 5ml	08/07/86
Medical Analysis Systems, Inc.	ChemTrak Liquid Unassayed	Vial:15ml	04/30/85
Medical Analysis Systems, Inc.	Chemistry Control Assayed, Level 1, 2, & 3	Vial:15ml	04/30/85
Medical Analysis Systems, Inc.	Chemistry Control, Level 1, 2, & 3	Vial:15ml	04/30/85
Medical Analysis Systems, Inc.	DOA Liquid Drugs of Abuse Controls Level 2,3,4	Vial: 5ml, 18ml; Box: 6-8ml vials; Box: 8-5ml vials.	10/12/90
Medical Analysis Systems, Inc.	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: 5ml, Box: 6 bottles	09/05/90
Medical Analysis Systems, Inc.	chemTRAK Liquid Unassayed Therapeutic Drug Control Level 2.	Kit: 6 x 5ml Vials	10/08/86
Medical Analysis Systems, Inc.	chemTRAK Liquid Unassayed Therapeutic Drug Control Level 3.	Kit: 6 x 5ml Vials	10/08/86
Medical Analysis Systems, Inc.	chemTRAK Liquid Unassayed Therapeutic Drug Control Level I.	Kit:6 x 5ml Vials	10/08/86
Meloy Labs, Inc.	Counterelectrophoresis Plates, G-301	Plates:10 determinations	09/05/73
Meloy Labs, Inc.	Immunoelctrophoresis 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

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Merck and Co., Inc.	Cocaine - d3 HCl Catalog # MD-3677	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc.	Codeine - d3 H2O (N-methyl-d3) No. MD-3776	2 ml, 5ml ampule Carton: 5 ampules	09/06/88
Merck and Co., Inc.	Codeine-d3 Catalog # MD-3678	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc.	DL-1 Phenyl-2-aminopropane 1,1,2,3,3,3-d6 (Amphetamine-d6) Catalog # MD-3682	Ampule: 2 or 5 ml	06/13/88
Merck and Co., Inc.	DL-1 Phenyl-2-methylamino-propane-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 3H2O (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-Benzoyl-ecgonine-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
Microgenics Corporation	Bulk Calibrator Solution 80ug/ml, 40ug/ml	Carboy: 10L	11/13/90
Microgenics Corporation	In-house Phenobarbital Bulk Primary Standard 40ug/ml, 80ug/ml	Bottle: 2L	11/13/90
Microgenics Corporation	In-house Phenobarbital Primary Standard 40ug/ml, 80ug/ml	Micro tube: 1.5ml; Box: 100 tubes	11/13/90
Microgenics Corporation	In-house manufacturing Bulk Calibrator 10ug/ml, 20ug/ml, 40 ug/ml, 60ug/ml, 80ug/ml, 90ug/ml Phenobarbital	Bottle: 2L	11/13/90
Microgenics Corporation	In-house manufacturing Calibrator 10ug/ml, 20ug/ml, 40ug/ml, 60ug/ml, 80ug/ml, 90ug/ml Phenobarbital	Vial: 3.5ml	11/13/90
Microgenics Corporation	Microgenics CEDIA Phenobarbital Assay 40ug/ml, 80ug/ml	Vial: 3.5ml; Kit: 2 vials	11/13/90
Microgenics Corporation	Phenobarbital Stock Solution	Flask: 100ml	11/13/90
Micromedic Systems	Micromedic Neonatal T4 125l 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 125l Tracer Solution	Vial: 30ml	05/21/80
Micromedic Systems	Neonatal T4 Buffer Solution	Bottle: 8ounce	05/21/80
Micromedic Systems	T3 RIA 125l Tracer Solution	Vial: 30ml	12/14/78
Micromedic Systems	T3 RIA Buffer Solution	High Density Polyethylene Bottle: 8 ounce	12/14/78
Micromedic Systems	T3 Uptake 125l Tracer Solution	Vial: 30ml	12/14/78
Micromedic Systems	T3 Uptake Buffer Solution	High Density Polyethylene Bottle: 8 ounce	12/14/78
Micromedic Systems	T4 RIA 125l Tracer Solution	Vial: 30ml	12/14/78
Micromedic Systems	T4 RIA Buffer Solution	High Density Polyethylene Bottle: 8 ounce	12/14/78
Miles Laboratories, Inc.	Ames Phenobarbital Assay, Kit Contains: Phenobarbital Standards; 10, 20, 40, & 60mcg/ml	6.1 ml Vials	03/01/79
Miles Laboratories, Inc.	Ames Phenobarbital Controls, 15mcg/ml, 30mcg/ml, 50mcg/ml	Vial: 6.1ml	05/21/80
Miles Laboratories, Inc.	Cliniria T-3 Uptake Test, Kit Contains: (1) 125l T-3 Uptake Reagent & (2) Separating Reagent	200ml Bottles	11/10/78
Miles Laboratories, Inc.	Clinistat Calibrator Nos. 1 and 2	Vial: 1ml	12/19/80
Miles Laboratories, Inc.	Clinistat Control B, C, D, and E	Vial: 1ml	12/19/80
Miles Laboratories, Inc.	Seralute Total T-4 (RIA) 125l Reagent Kit, No. 3304, No. 3305	Kit: 20 columns, 100 columns	03/28/77
Miles Laboratories, Inc.	Seralyzer ARIS Drug Assay Control	Vial: 1ml	01/17/84
Miles Laboratories, Inc.	Seralyzer ARIS Drug Assay High Calibrator	Vial: 0.5ml	01/17/84
Miles Laboratories, Inc.	Seralyzer ARIS Drug Assay Low Calibrator	Vial: 0.5ml	01/17/84
Miles Laboratories, Inc.	Seralyzer ARIS Phenytoin Reagent Strips	Bottle Containing 25 and 50 Strips	05/28/86
Miles Laboratories, Inc.	T-4 Buffer	Glass Screwtop Vial: 3/4 ounce	03/28/77
Miles Laboratories, Inc.	TDA Cross-Reactivity Cocktails	Glass Vial: 1ml	02/01/83
Miles Laboratories, Inc.	TEK-CHEK Special Urine Control (supplemental)	Vial: 25ml	05/01/70
Miles Laboratories, Inc.	Tetralute	Bottle: 4.9 g	07/29/70
Miles Laboratories, Inc.	Thyrolute 1125, Reagent Kit, No. 5250	Kit: 20 columns	12/02/74
Miles Laboratories, Inc.	Thyrolute 1125, Reagent Kit, No. 5252	Kit: 100 columns	12/02/74
Monobind, Inc.	Monobind T3 Antibody Reagent	Test Tube w/Cap: 70ml	11/08/77
Monobind, Inc.	Monobind T3 Tracer Reagent	Wheaton Glass Container: 55ml	11/08/77
Monobind, Inc.	Monobind T4 Antibody Reagent	Test Tube w/Cap: 70ml	11/08/77
Monobind, Inc.	Monobind T4 Tracer Reagent	Wheaton Glass Container 55ml	11/08/77
Monobind, Inc.	Monobind TSH Antibody Reagent	Test Tube w/Cap: 10.5ml	11/08/77
Monobind, Inc.	Monobind TSH Non-Specific Buffer	Wheaton Glass: 1.05ml	11/08/77
Monobind, Inc.	Monobind TSH Precipitating Reagent	Plastic Container w/Cap : 105ml	11/08/77
Monobind, Inc.	Monobind TSH Tracer Reagent	Wheaton Glass Container 10.5ml	11/08/77
Monobind, Inc.	T3 Adsorbent Reagent	Glass Bottle: 110ml, 50ml Plastic Bottle: 260ml	05/15/78
Monobind, Inc.	T3 Uptake Tracer Reagent	Glass Bottle: 55ml, 30ml Plastic Bottle: 125ml	05/15/78
Monobind, Inc.	TSH Radioimmunoassay Test System	Kit: 100 Tests	11/08/77
Monobind, Inc.	Thyroxine Radioimmunoassay Test System	Kit: 100 Tests	11/08/77
Monobind, Inc.	Triiodothyronine Radioimmunoassay Test System	Kit: 100 tests	11/08/77
Monoclonal Antibodies, Inc.	Test Kit for Cocaine Metabolites in Urine	Kit: 50 tests	10/17/86
Monoclonal Antibodies, Inc.	Test Kit for Opiates in Urine	Kit: 50 tests	10/17/86
Monoclonal Antibodies, Inc.	Test Kit for Tetrahydrocannabinol (THC) in Urine	Kit: 50 tests	10/17/86
NSI Technology Services Corp.	Alpha, alpha-dimethyl-phenethylamine	Amber Ampoule: 2ml	03/02/89

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Nuclear Diagnostics Inc.	MAAT T3 Uptake Reagent.....	Bottle: 105ml, 210ml; Kit: 1 bottle 210ml.....	11/16/90
Nuclear Diagnostics, Inc.	SPINSEP-TBG Reagent Catalog No. 17100.....	Polypropylene Bottle: 105ml.....	12/15/77
Nuclear Diagnostics, Inc.	TETRIA P.E.G. Antiserum Catalog No. 16100A.....	Polypropylene Bottle: 55ml.....	03/10/78
Nuclear Diagnostics, Inc.	TETRIA P.E.G. Reagent Catalog No. 16100.....	Polypropylene Bottle: 105ml.....	07/08/77
Nuclear Diagnostics, Inc.	TETRIA P.E.G. Reagent Catalog No. 16100R.....	Polypropylene Bottle: 55ml.....	03/10/78
Nuclear Diagnostics, Inc.	TRIA-P.E.G. Antiserum Catalog No. 12100A.....	Polypropylene Bottle: 55ml.....	03/10/78
Nuclear Diagnostics, Inc.	TRIA-P.E.G. Reagent Catalog No. 12100R.....	Polypropylene Bottle: 55ml.....	03/10/78
OMI International Corporation	Compound N Solution.....	Steel Drum: 55 gallon.....	10/01/75
Organon Teknika Corp.	ASSURE, Levels I & II.....	Vial: 10 ml.....	06/27/80
Organon Teknika Corp.	Barbital Buffered Saline with Azide.....	Plastic Bottle: 1L.....	01/05/90
Organon Teknika Corp.	Bovine QAS Clinical Study.....	6 Vials/Kit (10ml/vial).....	04/28/80
Organon Teknika Corp.	Liothyronine T3 125I.....	Boston Round Amber Bottle: 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: 7.3ml.....	03/13/72
Organon Teknika Corp.	Platelin Plus Activator.....	Vial: 7.3ml.....	03/13/72
Organon Teknika Corp.	Profile General Set.....	Kit Ctg: 6 vials.....	02/22/82
Organon Teknika Corp.	Profile General- Levels I & II.....	Vial: 5 ml.....	02/22/82
Organon Teknika Corp.	Quality Assurance Serum Level I.....	Vial: 16.5 ml, 6 vials/ kit.....	08/17/78
Organon Teknika Corp.	Quality Assurance Serum Level II.....	Vial: 16.5 ml, 6 vials/ kit.....	08/17/78
Organon Teknika Corp.	Russell's Viper Venom Reagent.....	Vial: 7.3ml containing 48 mg of powder.....	07/08/74
Organon Teknika Corp.	Simplestin.....	Vial: 4.7ml, 7.3ml, and 16.5ml.....	03/13/72
Organon Teknika Corp.	Simplestin-A.....	Vial: 7.3ml.....	03/13/72
Organon Teknika Corp.	T-4 125I Reagent.....	Boston Round Bottle: 2 ounce, amber bottle, 7 dr.....	01/20/76
Organon Teknika Corp.	T-4 Antiserum (rabbit).....	Boston Round Bottle: 4 ounce, clear bottle, 7 dr.....	01/20/76
Organon Teknika Corp.	TETRA-TAB-RIA T4 Diagnostic Kit.....	Kit: 40tests, 200tests.....	01/20/76
Organon Teknika Corp.	TETRA-TUBE RIA T4 Diagnostic Kit.....	Kit: 100 tests, 500 tests.....	06/03/83
Organon Teknika Corp.	TGTR Set.....	Package: 4 Tests per set.....	03/13/72
Organon Teknika Corp.	TRI-TAB T3 Uptake Diagnostic Kit.....	Kit: 200 Tests.....	01/20/76
Organon Teknika Corp.	TRI-TAB T3 Uptake Diagnostic Kit.....	Kit: 40 tests.....	02/18/79
Organon Teknika Corp.	TRIS/Barbital Buffer.....	Plastic Bottle: 1L.....	01/05/90
Organon Teknika Corp.	Unassayed Chemistry Serum Control, Levels I & II.....	Vial: 25 ml.....	06/27/80
Ortho Diagnostic Systems, Inc.	Activated ThromboFAX No. 721000.....	Bottle: 3.2ml.....	09/21/71
Ortho Diagnostic Systems, Inc.	Ortho Activated PTT Reagent.....	Glass Vial: 30 determination size, 100.....	05/23/83
Ortho Diagnostic Systems, Inc.	Ortho Plasma Coagulation Control Level I.....	Glass Vial: 5ml.....	10/25/83
Ortho Diagnostic Systems, Inc.	Ortho Plasma Coagulation Control Level II.....	Glass Vial: 5ml.....	10/25/83
Ortho Diagnostic Systems, Inc.	ORTHO Owren's Buffer.....	Kit: 6-20 ml vials.....	08/26/88
PB Diagnostic Systems, Inc.	OPUS Phenobarbital Calibrators: 5, 10, 20, 40, 80ug/ml.....	Vial: 2.5ml Carton: 5 vials.....	08/07/90
PB Diagnostic Systems, Inc.	OPUS Phenobarbital Test Modules.....	Plastic Test Module, Tray: 5 modules, Carton: 50 modules.....	08/07/90
Pacific Hemostasis.....	Barbital Buffered Saline.....	Vial: 100ml.....	05/24/84
Pacific Hemostasis.....	Barbital Buffered Saline with Heparin.....	Vial: 90ml.....	05/24/84
Pacific Hemostasis.....	Diluting Fluid.....	Vial: 20ml.....	05/24/84
Pantex.....	Immuno T3 Kit: (1)L-Triiodothyronine 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.....	Kit Containing Bottles: (1)10ml (2)10ml (3)50ml (4)5ml (5)3ml.....	01/04/79
Pantex.....	Immuno-Digoxin Kit Containing: (1)Digoxin 125I (2)1st Antiserum (3) 2nd Antiserum (4)Diluent.....	Kit Containing Bottles: (1)10ml (2)20ml (3)50ml (4)5ml.....	01/04/79
Pantex.....	Immuno-Estriol 125I Kit: 2nd Antiserum.....	Bottle: 50ml.....	01/04/79
Pantex.....	Immuno-Estriol Kit: (1)Estriol 3H RIA (2)Estriol 3H Recovery (3)1st Antiserum (4)2nd Antiserum (5)Diluent (6)Buffer (7)Standards.....	Kit Containing Bottles: (1)10ml (2)5ml (3)10ml (4)20ml (5)100ml (6)50ml (7)5ml.....	01/04/79
Pantex.....	Immuno-T4 Kit: (1)Thyroxine 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.....	Kit Containing Bottles: (1)100ml, 1000ml (2)50ml (3)100ml (4)5ml (5)3ml.....	01/04/79
Pantex.....	Immuno-Testosterone 125I Kit: (1)Testosterone 125I (2)1st Antiserum (3)2nd Antiserum (4)Diluent (5)Standards.....	Kit Containing Bottles: (1)10ml (2)10ml (3)50ml (4)100ml (5)5ml.....	01/04/79
Pantex.....	T3 Uptake Kit: L-Triiodothyronine 125I.....	Bottle: 100ml, 1000ml.....	01/04/79
Perkin-Elmer Corporation	Amphetamine Polarization Fluoroimmunoassay Kit.....	Kit: 100 tests.....	12/18/86
Perkin-Elmer Corporation	Barbiturates Polarization Fluoroimmunoassay Kit.....	Kit: 100 tests.....	12/18/86
Perkin-Elmer Corporation	Cocaine Polarization Fluoroimmunoassay Kit.....	Kit: 100 tests.....	12/18/86
Perkin-Elmer Corporation	Methadone Polarization Fluoroimmunoassay Kit.....	Kit: 100 tests.....	12/18/86
Perkin-Elmer Corporation	Morphine Polarization Fluoroimmunoassay Kit.....	Kit: 100 tests.....	12/18/86
Perkin-Elmer Corporation	Opiates Polarization Fluoroimmunoassay Kit.....	Kit: 100 tests.....	12/18/86
Princeton Separations, Inc.	Panagel 16.....	Pouch: 1 slide.....	06/29/87
Princeton Separations, Inc.	Panagel 8.....	Pouch: 1 slide.....	06/29/87
Princeton Separations, Inc.	Panagel Electrobuffer.....	Fiber Drum: 25 kg.....	06/29/87
Princeton Separations, Inc.	Panagel Electrode Buffer.....	Pouch: 18.3 gms.....	06/29/87
Princeton Separations, Inc.	Panagel LD Isoenzyme Electrode Buffer.....	Pouch: 11.85 gms.....	06/29/87
Princeton Separations, Inc.	Panagel LD Isoenzyme Slide.....	Pouch: 1 slide.....	06/29/87

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Quality Assurance Service Corp.	Q.A. Toxicology Blood Controls	Vial: 6ml, 12ml 60ml, 90ml, 250ml, 625ml Plastic Glass Bottle: 6ml-100ml.	01/23/90
Quality Assurance Service Corp.	Q.A. Toxicology Serum Controls	Vial: 6ml, 12ml 60ml, 90ml, 250ml, 625ml Plastic Glass Bottle: 6ml-100ml.	01/23/90
Quality Assurance Service Corp.	Q.A. Toxicology Urine Controls	Vial: 6ml, 12ml 60ml, 90ml, 250ml, 625ml Plastic Glass Bottle: 6ml-100ml.	01/23/90
Quantimetrix	Quantimetrix Anticonvulsant Serum Drug Control, Liquid Level II Control No. 17-0303-2.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17-0303-1.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level I Control No. 17-0305-1.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Quantimetrix Antidepressant Serum Drug Control, Liquid Level II Control No. 17-0305-2.	Polyethylene Dropper Bottle: 15ml	04/16/86
Quantimetrix	Urine Drugs of Abuse Control Catalog No. 12-2411-1.	Dropper Bottle: 15 ml	02/23/87
Quin-Tec, Inc.	Additive SB-1	Drum: 55 gals.	05/11/87
Quin-Tec, Inc.	Quin-Tec Brightener 402	Plastic Pail: 5 gallons, Plastic Drum: 55 gallons.	10/13/81
Quin-Tec, Inc.	Quin-Tec Brightener 404	Plastic Pail: 5 gallons, Plastic Drum: 55 gallons.	10/13/81
Radian Corporation	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
Radian Corporation	3,4-Methylenedioxyamphetamine 0.1, 1.0 mg/ml.	Amber glass ampule: 2ml	01/12/89
Radian Corporation	3,4-Methylenedioxy-methamphetamine 0.1, 1.0 mg/ml.	Amber glass ampule: 2ml	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: 2ml	01/12/89
Radian Corporation	Alprazolam 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	11/05/90
Radian Corporation	Alprazolam-D5 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	11/05/90
Radian Corporation	Amphetamine 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Amphetamine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Amphetamine-D5	Ampule: 2 ml	12/04/87
Radian Corporation	Benzoyllecgonine	Ampule: 2ml	12/04/87
Radian Corporation	Benzoyllecgonine-D3	Ampule: 2ml	12/04/87
Radian Corporation	Cocacethylene 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	12/13/90
Radian Corporation	Cocacethylene-D3	Ampule: 2ml	12/13/90
Radian Corporation	Cocaine 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Cocaine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Codeine	Ampule: 2 ml	03/09/88
Radian Corporation	Codeine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	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: 2ml	01/12/89
Radian Corporation	Diazepam 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Diazepam-D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Diazepam-D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Ecgonine Methyl Ester 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Ecgonine Methyl Ester-D3 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Ecgonine Methyl Ester-D3 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydrocodone - D3 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydrocodone - D3 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydrocodone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Hydromorphone - D3 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydromorphone - D3 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Hydromorphone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Methadone - D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methadone - D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methadone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Methamphetamine 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Methamphetamine-D5	Ampule: 2 ml	12/04/87
Radian Corporation	Methaqualone - D4 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methaqualone - D4 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Methaqualone 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Morphine	Ampule: 2 ml	03/09/88
Radian Corporation	Morphine-D3	Ampule: 2 ml	12/04/87
Radian Corporation	Nordiazepam - D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Nordiazepam - D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Nordiazepam 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Oxazepam - D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Oxazepam - D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Oxazepam 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Pentobarbital 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	09/24/90

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Radian Corporation	Pentobarbital-D5 0.1mg/ml, 1.0mg/ml	Ampule: 2ml	09/24/90
Radian Corporation	Phencyclidine 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Phencyclidine-D5	Ampule: 2 ml	12/04/87
Radian Corporation	Phenobarbital 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
Radian Corporation	Phenobarbital-D5	Ampule: 2 ml	12/04/87
Radian Corporation	Propoxyphene - D5 0.1 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Propoxyphene - D5 1.0 mg/ml	2 ml amber ampule	10/19/88
Radian Corporation	Propoxyphene 0.1, 1.0 mg/ml	Amber glass ampule: 2ml	01/12/89
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	Fentanyl Analogs Reference Standards for Drug Analysis.	Amber Ampule: 1 ml, Plastic Shell: 5 ampules, Kit: 2 shells (10 ampules).	10/17/89
Research Diagnostics	Fentanyl Radioimmunoassay	Kit: 200 tests	06/15/89
Research Diagnostics	Sufentanil Radioimmunoassay	Kit: 200 tests	06/15/89
Research Triangle Institute	11-Nor-9-carboxy-delta-9 THC Blood Standards Kit.	Kit Containing: 18-21ml Ampuls; 1-5ml Ampul	10/26/81
Research Triangle Institute	11-Nor-9-carboxy-delta-9 THC Plasma Standards Kit.	Kit Containing: 18-21ml Ampuls; 1-5ml Ampul	10/26/81
Research Triangle Institute	Delta-9 THC Blood Standards Kit	Kit Containing: 18-2ml Ampuls; 1-5ml Ampul	10/26/81
Research Triangle Institute	Delta-9 THC Plasma Standards Kit	Kit Containing: 18-2ml Ampuls; 1-5ml Ampul	11/02/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11-Nor-9-carboxy-delta-9 THC in Blood.	Kit Containing: 26-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of 11-Nor-9-carboxy-delta-9 THC in Plasma.	Kit Containing:24-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	10/26/81
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC	Kit Containing:20-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	10/20/80
Research Triangle Institute	Iodine Kit for Radioimmunoassay of Delta-9 THC in Blood.	Kit Containing: 22-1ml Ampuls; 2-20ml Vials; 2-250ml Bottles.	07/10/81
Research Triangle Institute	Tritium Kit for Radioimmunoassay of Delta-9 THC.	Kit Containing: 20-1ml Ampuls; 2- 20ml Vials; 2-250ml Bottles.	06/27/80
Roche Diagnostic Sstems, Inc.	ABUSCREEN FP for Cocaine Metabolite	Kit: 1000 tests	03/23/89
Roche Diagnostic System, Inc.	Abuscreen FP for Benzodiazepines	Kit: 1000 Tests	05/11/89
Roche Diagnostic Systems, Inc.	125I T3 (for T3 Uptake Radioassay)	Vial:15ml	07/22/81
Roche Diagnostic Systems, Inc.	ABUSCREEN 125 I-Methamphetamine Reagent	Vial: 500ml, 30ml	03/01/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP Cocaine Metabolite 75, 150, 300 or 600 ng/ml Benzoylcegonine Standard.	Vial: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP Cocaine Metabolite Positive Control.	Vial: 4ml	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: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Amphetamine Positive Control.	Vial: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Amphetamine Tracer Reagent.	Vial: 12ml	03/23/89
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: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Barbiturates Positive Control.	Vial: 4ml	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 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: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Cannabinoids Positive Control.	Vial: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Cannabinoids Tracer Reagent.	Vial: 12ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Cocaine Metabolite Tracer Reagent.	Vial: 12ml	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 2000ng/ml d-Methamphetamine Calibrator.	Vial: 4ml	03/09/90
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Methamphetamine Cut-off Control.	Vial: 4ml	03/09/90
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Methamphetamine Positive Control.	Vial: 4ml	03/09/80
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Methamphetamine Tracer Reagent.	Vial: 12ml	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: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Morphine Positive Control	Vial: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Morphine Tracer Reagent	Vial: 12ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Phencyclidine	Kit: 1000 tests	03/23/89

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Phencyclidine 5, 10, 25 or 50 ng/ml Phencyclidine Standard.	Vial: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Phencyclidine Positive Control.	Vial: 4ml	03/23/89
Roche Diagnostic Systems, Inc.	ABUSCREEN FP for Phencyclidine Tracer Reagent.	Vial: 12ml	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: 100ml, 6.6ml	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:30ml, 500ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen 125I Benzoylcegonine Reagent	Vial: 30ml, 500ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen 125I Methaqualone Reagent	Vial:30ml, 500ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen 125I Morphine Reagent	Vial:30ml, 500ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen 125I Oxazepam Reagent	Vial:30ml, 500ml	03/08/87
Roche Diagnostic Systems, Inc.	Abuscreen 125I Phencyclidine Reagent	Vial:30ml, 500ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen 125I Secobarbital Reagent	Vial:30ml, 500ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen 125I Tetrahydrocannabinol Reagent	Vial: 500ml, 30ml	08/14/81
Roche Diagnostic Systems, Inc.	Abuscreen 125I-LSD Reagent	Vial:500ml, 30ml	01/28/84
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: 4ml	08/28/86
Roche Diagnostic Systems, Inc.	Abuscreen EIA Cannabinoid THC Conjugate Reagent.	Vial: 30ml	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
Roche Diagnostic Systems, Inc.	Abuscreen EIA Cocaine Metabolite Benzoylcegonine Conjugate Reagent.	Vial:30ml	05/28/86
Roche Diagnostic Systems, Inc.	Abuscreen EIA Cocaine Metabolite Benzoylcegonine Positive Calibrator 50-1200 (in increments of 50) ng/ml.	Vial:4ml	05/28/86
Roche Diagnostic Systems, Inc.	Abuscreen EIA Cocaine Metabolite Enzyme Immunoassay Test Kit for Benzoylcegonine.	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:30ml	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:4ml	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 200ng/ml Benzodiazepines Standard.	Vial: 4ml	05/11/89
Roche Diagnostic Systems, Inc.	Abuscreen FP for Benzodiazepines-Positive Control.	Vial: 4ml	05/11/89
Roche Diagnostic Systems, Inc.	Abuscreen FP for Benzodiazepines-Tracer Reagent.	Vial: 12ml	05/11/89
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Amphetamine	Kit: 40 tests	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Amphetamine Antibody Diluent.	Vial: 7 ml	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Amphetamine Latex	Vial: 7 ml	03/14/88
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 Barbiturate	Kit: 40 tests	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Barbiturate Antibody Diluent.	Vial: 7 ml	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Barbiturate Latex	Vial: 7 ml	03/14/88

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	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 Cannabinoids	Kit: 40 tests	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Cannabinoids Antibody Diluent.	Vial: 7 ml.	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Cannabinoids Negative Control.	Vial: 4 ml.	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Cannabinoids Positive Control.	Vial: 4 ML	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Cannabinoids THC Latex	Vial: 7 ml.	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Cocaine Metabolite	Kit: 40 tests	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Cocaine Metabolite Antibody Diluent.	Vial: 7 ml.	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Cocaine Metabolite Benzoyllecgonine Latex.	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 Morphine	Kits: 40 tests	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Morphine Antibody Diluent	Vial: 7 ml.	03/14/88
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK Morphine Latex	Vial: 7 ml.	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 PCP Negative Control	Vial: 7 ml.	11/22/89
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK PCP Positive Control	Vial: 7 ml.	11/22/89
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK PCP Reagent A - Antibody Reagent.	Vial: 7 ml.	11/22/89
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK PCP Reagent C - Latex Reagent.	Vial: 7 ml.	11/22/89
Roche Diagnostic Systems, Inc.	Abuscreen ONTRAK for PCP	Kit: 40 tests, 100 tests	11/22/89
Roche Diagnostic Systems, Inc.	Abuscreen Positive Ref. Control (Benzodiazepines) 25, 50, 75, 100 ng/ml or 150-1000 (in increments of 50) ng/ml.	Vial:5ml, 100ml	03/06/87
Roche Diagnostic Systems, Inc.	Abuscreen Positive Ref. Control(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:5ml, 100ml	01/28/86
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Control (Amphetamine) 100, 500, 750, 1000, 1500, or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Control (Barbiturate) 50, 100, 200, 300, 400, 500, 750, 1000, or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Control (Benzoyllecgonine) 100, 150, 200, 300, 400, 500, 600, 750, 1000, or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Control (Methaqualone) 100, 300, 500, 750, 1000, or 2000 ng/ml.	Vial:6.6ml, 100 ml	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Control (Morphine) 40, 50, 100, 150, 200, 300, 500, 600, or 1000 ng/ml.	Vial:6.6ml, 120ml.	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Control (Phencyclidine) 10, 12.5, 25, 50, 75, 100, 200, or 500 ng/ml.	Vial:6.6ml, 120ml.	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Control Cannabinoid 20, 25, 50, 100, 150, 200, 300, 400, or 500 ng/ml.	Vial:6.6ml, 100 ml	02/20/84
Roche Diagnostic Systems, Inc.	Abuscreen Positive Reference Controls for Amphetamine (Single Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Positive Urine Reference Std. (Oxazepam or Desmethyldiazepam) 25, 50, 75, 100 ng/ml or 150-1000 (in increments of 100) ng/ml.	Vial:5ml, 100ml	08/28/86
Roche Diagnostic Systems, Inc.	Abuscreen Positive Urine Reference Std.(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, or 10 ng/ml.	Vial:5ml, 60ml, & 100ml	01/28/86
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 2, 500 Tests	08/14/81
Roche Diagnostic Systems, Inc.	Abuscreen Radioimmunoassay for Cocaine Metabolite.	Kit: 100 Tests, 2500 Tests	02/15/83

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Roche Diagnostic Systems, Inc.	Abuscreen Radiimmunoassay for LSD (Lysergic Acid Diethylamide).	Kit: 100 tests, 2500 tests	01/78/86
Roche Diagnostic Systems, Inc.	Abuscreen Radiimmunoassay for Methaqualone.	Kit: 100 tests, 2500 tests	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Radiimmunoassay for Morphine.	Kit: 100 tests, 2500 tests	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Radiimmunoassay for Phencyclidine (PCP).	Kit: 100 tests, 2500 tests	02/15/83
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Amphetamine (Multi-Level).	Kit: 3 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Barbiturate (Multi-Level).	Kit: 3 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Barbiturate (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Benzodiazepines (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Cannabinoids (Multi-Level).	Kit: 3 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Cannabinoids (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Cocaine Metabolite (Multi-Level).	Kit: 3 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Cocaine Metabolite (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for LSD (Lysergic Acid Diethylamide) (Multi-Level).	Kit: 3 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for LSD (Lysergic Acid Diethylamide) (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Methaqualone (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Morphine (Multi-Level).	Kit: 3 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Morphine (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Phencyclidine (PCP) (Multi-Level).	Kit: 3 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Abuscreen Reference Controls for Phencyclidine (PCP) (Single-Level).	Kit: 2 Vials	10/12/87
Roche Diagnostic Systems, Inc.	Agglutax Amphetamine Latex Reagent.	Vial: 2ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Amphetamine Positive Human Urine Control.	Vial: 5ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Amphetamine Test Kit.	Kit: 20 tests, 100 tests	02/15/83
Roche Diagnostic Systems, Inc.	Agglutax Barbiturate Latex Reagent.	Vial: 2ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Barbiturate Positive Human Urine Control.	Vial: 5ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Barbiturate Test Kit.	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Methaqualone Latex Reagent.	Vial: 2ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Methaqualone Positive Human Urine Control.	Vial: 5ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Methaqualone Test Kit.	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Morphine Latex Reagent.	Vial: 2ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Morphine Positive Human Urine Control.	Vial: 5ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Morphine Test Kit.	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Phencyclidine (PCP) Test Kit.	Kit: 20 tests, 100 tests	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Phencyclidine Latex Reagent.	Vial: 2ml	06/27/83
Roche Diagnostic Systems, Inc.	Agglutax Phencyclidine Positive Human Urine Control.	Vial: 5ml	06/27/83
Roche Diagnostic Systems, Inc.	Amerfluor Florescent Immunoassay -Phenobarbital.	Kit: 100 tests	04/30/82
Roche Diagnostic Systems, Inc.	Anti-T3 Reagent 125I T3 (for T3 Radioimmunoassay).	Vial: 15ml	07/22/81
Roche Diagnostic Systems, Inc.	Anti-T4 Reagent 125I T4 (for T4 Radioimmunoassay).	Vial: 15ml	07/22/81
Roche Diagnostic Systems, Inc.	COBAS FP Phenobarbital Calibrators.	Kit: 8 Vials	11/13/84
Roche Diagnostic Systems, Inc.	COBAS FP Phenobarbital Calibrators B through F.	Vials: 5ml	11/13/84
Roche Diagnostic Systems, Inc.	COBAS FP Phenobarbital Tracer Reagent.	Vial: 5ml	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.	Immunizing Preparation No. 1, 2, 3, 4, 5, 6, 7, or 8.	Vial: 10, 20, 50, or 100ml	01/25/83
Roche Diagnostic Systems, Inc.	Immunizing Preparation No. 9.	Vial: 10ml, 20ml, 50ml, or 100ml	07/24/84
Roche Diagnostic Systems, Inc.	Immunizing Preparation No. 9A.	Vial: 10ml, 20ml, 50ml, or 100ml	07/24/84
Roche Diagnostic Systems, Inc.	Immunizing Preparation No. 10.	Vial: 10ml, 20ml, 50ml, or 100ml	04/02/86
Roche Diagnostic Systems, Inc.	Immunizing Preparation No. 10A.	Vial: 10ml, 20ml, 50ml, or 100ml	04/02/86
Roche Diagnostic Systems, Inc.	Immunizing Preparations No. 1A, 2A, 3A, 4A, 5A, 6A, 7A, & 8A.	Vial: 10ml, 20ml, 50ml, or 100ml	07/12/83
Roche Diagnostic Systems, Inc.	NSB Reagent.	Vial: 2ml	07/22/81
Roche Diagnostic Systems, Inc.	TDM Controls, Levels I through III.	Vials: 5ml	11/13/84
Rowley Biochemical Institute, Inc.	Aldehyde Fuchsin Solution.	Bottle: Pint, Quart, Gallon	02/02/84
Rowley Biochemical Institute, Inc.	Aldehyde Thionin Solution.	Bottle: Pint, Quart, Gallon	02/02/84
Rowley Biochemical Institute, Inc.	Mayer's Hematoxylin Solution.	Bottle: Pint, Quart, Gallon	02/02/84



## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Schering Corp.	Hepequit	Vial:9 Dram and Plate	07/16/72
Serex Inc.	Benzoylcegonine Positive Control	Bottle: 1 ml	12/18/89
Serex Inc.	Benzoylcegonine Standards	Bottle: 1 ml	12/18/89
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	12/18/89
Serono Diagnostics, Inc.	rT3 Barbitol Buffer	Glass Vial:120ml	10/26/84
Serono Diagnostics, Inc.	rT3-125i	Glass Vial:13ml	10/26/84
Serono Diagnostics, Inc.	rT3-Antiserum	Glass Vial:13ml	10/26/84
Sherwood Medical Company	Lancer Fibrinogen Determination, Reagent Kit Catalog No. 8889-007608.	Kit	04/17/75
Sigma Chemical Co.	(+)-Deoxyephedrine-d5 HCl $\mu$ D-5914	Ampule: 2ml	08/28/90
Sigma Chemical Co.	1-Tetrahydrocannabinol, Product No. T-4764	Sealed Ampule: 1ml	08/30/77
Sigma Chemical Co.	1-Tetrahydrocannabinol, Product No. T-4764	Vial: 1ml	05/11/81
Sigma Chemical Co.	11-nor-delta9-Tetrahydrocannabinol, 9-carboxylic .05 mg/ml acid, No. N-5642.	Glass Ampule: 2 ml	08/29/89
Sigma Chemical Co.	11-nor-delta9THC-9-Carboxylic Acid $\mu$ N-8893	Ampule: 2ml	08/28/90
Sigma Chemical Co.	3,4 Methylenedioxyamphetamine 1 mg/ml, No. M-5029.	Glass Ampule: 2 ml	08/29/89
Sigma Chemical Co.	3,4-Methylenedioxyamphetamine, No. M-3272	Glass Ampule: 2ml	08/08/89
Sigma Chemical Co.	5,5-Dialylbarbituric Acid, Product No. D-6013	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	6-Tetrahydrocannabinol, Product No. T-4889	Vial: 1ml	05/11/81
Sigma Chemical Co.	ALT Reagent A, Stock No.57-10	Vial: 30ml	08/27/79
Sigma Chemical Co.	ALT Reagent A, Stock No.57-2	Vial: 10ml	08/27/79
Sigma Chemical Co.	AST Reagent A, Stock No.58-10	Vial: 30ml	08/27/79
Sigma Chemical Co.	AST Reagent A, Stock No.58-2	Vial: 10ml	08/27/79
Sigma Chemical Co.	Acid Hematoxylin Solution, No.285-2	Bottle:25ml, 100ml	08/06/73
Sigma Chemical Co.	Adenosine Phosphate Substrate, Product No. 675-1.	Bottle:4 ounce	07/25/83
Sigma Chemical Co.	Allylcyclopentylbarbituric Acid (A-7787)	Sealed Ampule:1ml	04/10/85
Sigma Chemical Co.	Allylisobutylbarbituric Acid (A-1038)	Sealed Ampule:1ml	04/10/85
Sigma Chemical Co.	Alphaprodine Hydrochloride (A-1537)	Ampule:1ml	08/27/94
Sigma Chemical Co.	Alphenal (A-1163)	Ampule:1ml	04/10/85
Sigma Chemical Co.	Alprazolam .25 mg/ml, No. A-5052	Glass Ampule: 2 ml	08/29/89
Sigma Chemical Co.	Alprazolam-d5 $\mu$ A-7055	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Ammonia Reagent ,Stock No. 170-10	Vial:10ml	02/17/77
Sigma Chemical Co.	Ammonia Reagent Kit:Stock No. 170-10	Kit:10 Vials	02/17/77
Sigma Chemical Co.	Ammonia Reagent Stock No. 170-10	Vial:30ml	12/13/77
Sigma Chemical Co.	Ammonia in Plasma Kit	Kit: 100 tests, 30 tests	12/13/77
Sigma Chemical Co.	Amobarbital ,Product No. A-5142	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	Antibody Sensitized Sheep Erythrocytes (EA7S)	Vials:2ml and 5X 2ml	04/02/86
Sigma Chemical Co.	Aprobarbital , Product No. A-7023	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	Barbitol Buffer ,Product No. B-8632	Polyethylene Vial:30ml	05/11/77
Sigma Chemical Co.	Barbitol Buffer with Albumin Stock No. 880-3	Vial: 20ml	07/11/80
Sigma Chemical Co.	Barbitol, Product No. B-8632	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	Benzoylcegonine 1 mg/ml, No. B-8900	Glass Ampule: 2 ml	08/29/89
Sigma Chemical Co.	Benzoylcegonine-d3 $\mu$ B-3277	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Benzphetamine Hydrochloride, Product No. B-8765.	Sealed Ampule:1ml	08/08/84
Sigma Chemical Co.	Bromazepam $\mu$ B-5402	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Bufotenine Monooxalate, Product No. B-8757	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	Butabarbital ,Product No. B-8882	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	Butalbital, Product No. B-5514	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Butethal (B-7516)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Cannabidiol, Product No. C-6395	Sealed Ampule:1ml	08/29/79
Sigma Chemical Co.	Cannabidiol, Product No. C-6395	Vial: 1ml	05/11/81
Sigma Chemical Co.	Cannabinol, Product No. C-6520	Sealed Ampule:1ml	08/29/79
Sigma Chemical Co.	Cannabinol, Product No. C-6520	Vial: 1ml	05/11/81
Sigma Chemical Co.	Chloral Hydrate , Product No. C-6516	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	Chlorazepam Dipotassium Salt, (C-8531)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Chlordiazepoxide (C-4782)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Chlordiazepoxide Hydrochloride Acetonitrile Drug Standard $\mu$ C-8547.	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Chlordiazepoxide-d5 $\mu$ C-5047	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Clobazam, No. C-6667	Glass Ampule: 2ml	08/06/89
Sigma Chemical Co.	Clonazepam, Product No. C-4404	Sealed Ampule:1ml	08/08/84
Sigma Chemical Co.	Cocaine Hydrochloride Product No. C-1528	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Cocaine-d3 $\mu$ C-3547	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Codeine-d3 HCl $\mu$ C-3672	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Codeine, Product No. C-1653	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	D-Amphetamine Sulfate, Product No. A-3278	Vial: 1ml	05/11/81
Sigma Chemical Co.	DL-Amphetamine HCL , Product No. A-5017	Sealed Ampule:1ml	08/30/77
Sigma Chemical Co.	Delorazepam $\mu$ D-5789	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Desmethyldiazepam 1 mg/ml, No. D-3162	Glass Ampule: 2 ml	08/29/89
Sigma Chemical Co.	Desmethyldiazepam-d5 $\mu$ D-6039	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Dextropropoxyphene Hydrochloride (D-8901)	Ampule:1ml	09/27/84
Sigma Chemical Co.	Diazepam, Product No. D-8900	Sealed Ampule:1ml	08/08/84
Sigma Chemical Co.	Diazepam-d5 $\mu$ D-5884	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Diethylpropion Hydrochloride, Product No. D-7274.	Sealed Ampule:1ml	09/19/83

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Sigma Chemical Co.	Diphenoxylate (D-0780)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Drug Standard Mix 1, D-3155	Ampule:2ml	04/18/86
Sigma Chemical Co.	Drug Standard Mix 2, D-3030	Ampule:2ml	04/18/86
Sigma Chemical Co.	Ecgonine Hydrochloride 1 mg/ml, No. E-9762	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Ecgonine-d3 HCl $\mu$ E-2014	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Ecgonine-d3 Methyl Ester HCl $\mu$ E-2139	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Estazolam $\mu$ E-1139	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Ethinamate (E-8508)	Ampule:1ml	04/10/85
Sigma Chemical Co.	Fenfluramine Hydrochloride, Product No. F-1884	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Fenproporex Hydrochloride, No. F-7261	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Fentanyl Citrate, No. F-5886	Glass Ampule: 2 ml	06/06/89
Sigma Chemical Co.	Fentanyl-d5 Citrate $\mu$ F-2520	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Flunitrazepam No. F-8783	Vial:1 ml	06/30/87
Sigma Chemical Co.	Flurazepam Dihydrochloride Methanol Drug Standard, No. F-9134	Ampule: 2 ml	10/20/89
Sigma Chemical Co.	Flurazepam Dihydrochloride, Product No. F-9134	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Gelatin Veronal Buffer (GVB2+) No. G-6514	Vial:50 ml,250ml	09/15/86
Sigma Chemical Co.	Glutethimide, Product No. G-3134	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Glycerophosphate Substrate, Product No. 675-2	Bottle:4 ounce	07/25/83
Sigma Chemical Co.	Glycerophosphate Substrate, Product No. 704-1	Bottle:4 ounce	07/25/83
Sigma Chemical Co.	Heroin Hydrochloride .1 mg/ml, No. H-5144	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Hexobarbital, Product No. H-2007	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Hydrocodone Bitartrate, No. H-2269	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Hydromorphone Hydrochloride No. H-7141	Vial:1 ml	06/30/87
Sigma Chemical Co.	Ibogaine HCL, Product No. I-4630	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	LDH Electrophoresis Buffer, Stock No. 705-1	Amber Jar:30ml	01/04/77
Sigma Chemical Co.	LDH-P Reagent No. 125-10	Vial:30ml	05/29/73
Sigma Chemical Co.	LDH-P Reagent No. 125-100	Vial:100ml	05/29/73
Sigma Chemical Co.	Levorphanol Tartrate 1 mg/ml, No. L-0896	Glass Ampule: 2 ml	06/29/89
Sigma Chemical Co.	Lorazepam (L-0140)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Lormetazepam, No. 8145	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Lysergic Acid, Product No. L-5881	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Lysergic Acid Diethylamide $\mu$ L-8147	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Mayer's Hematoxylin Solution, No. MHS-1	Bottle:25ml, 100ml	08/06/73
Sigma Chemical Co.	Mebutamate (M-3772)	Ampule:1ml	09/05/85
Sigma Chemical Co.	Medazepam (M-7646)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Meperidine Hydrochloride (M-1020)	Ampule:1ml	08/27/84
Sigma Chemical Co.	Mephobarbital, Product No. M-3514	Vial: 1ml	05/11/81
Sigma Chemical Co.	Meprobamate (M-0271)	Ampule:1ml	05/24/85
Sigma Chemical Co.	Mescaline HCl, Product No. M-5153	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Methadone Hydrochloride, Product No. M-3268	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Methadone-d3 $\mu$ M-4781	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Methamphetamine HCl, Product No. M-5260	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Methaqualone Hydrochloride, Product No. M-3393	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Methaqualone-d4 $\mu$ M-5406	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Methylphenidate Hydrochloride (M-1145)	Ampule:1ml	10/31/84
Sigma Chemical Co.	Methyprylon, Product No. M-1769	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Morphine Sulfate, No. M-9524	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Morphine-3-B-D Glucuronide, Product No. M-4266	Ampule: 1ml	10/21/82
Sigma Chemical Co.	N,N-Diethyltryptamine, Product No. D-0392	Vial: 1ml	05/11/81
Sigma Chemical Co.	N,N-Dimethyltryptamine, Product No. D-6263	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Nalorphine Hydrochloride	Ampule:1ml	08/27/84
Sigma Chemical Co.	Norcodeine Hydrochloride, No. N-3017	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Normorphine HCl $\mu$ N-7393	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Noroxymorphone $\mu$ N-7018	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Oxazepam, No. O-1755	Vial:1 ml	06/30/87
Sigma Chemical Co.	Oxazepam-d5 $\mu$ O-1381	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Oxazolam, No. O-8005	Glass Ampule: 2ml	06/06/89
Sigma Chemical Co.	Oxycodone Hydrochloride, Product No. O-2628	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Paraldehyde, Product No. D-3778	Ampule: 1ml	10/21/82
Sigma Chemical Co.	Pemoline, Product No. P-3518	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Pentazocine Hydrochloride, Product No. P-7530	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Pentobarbital, Product No. P-3393	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Phencyclidine, No. P-7043	Vial:1 ml	06/30/87
Sigma Chemical Co.	Phencyclidine-d5 HCl $\mu$ P-6054	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Phendimetrazine, Product No. P-3524	Vial: 1ml	05/11/81
Sigma Chemical Co.	Phenobarbital FPIA Calibrator Set Cat. No. P9051	Kit: 6 vials	11/21/89
Sigma Chemical Co.	Phenobarbital FPIA Calibrator: A-No.P8301, B-No.P8426, C-No.P8551, D-No.P8676, E-No.P8801, F-NO.P8926	Vial: 2.5 ml	11/21/89
Sigma Chemical Co.	Phenobarbital Prod. No.P-3643	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Phentermine Hydrochloride, Product No. P-7655	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Phenylacetone, Product No. P-2024	Vial: 1ml	05/11/81
Sigma Chemical Co.	Prazepam, No. P-7168	Vial:1 ml	06/30/87
Sigma Chemical Co.	Psilocin $\mu$ P-4054	Ampule: 2ml	08/28/90
Sigma Chemical Co.	SGOT 10 Assay Vial No. 55-10	Vial:30ml	05/29/73
Sigma Chemical Co.	SGOT Reagent No. 155-10	Vial:30ml	05/29/73

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Sigma Chemical Co.	SGOT Reagent No. 155-100	Vial:100ml	05/29/73
Sigma Chemical Co.	SGOT Single Assay Vial No. 55-1	Vial:3ml	05/29/73
Sigma Chemical Co.	SGOT Single Assay Vial No. 55-5	Vial:15ml	05/29/73
Sigma Chemical Co.	SGPT 10 Assay Vial No. 55-10P	Vial:30ml	05/29/73
Sigma Chemical Co.	SGPT Assay Vial No. 55-5P	Vial:15ml	05/29/73
Sigma Chemical Co.	SGPT Reagent No. 155-100P	Vial:100ml	05/29/73
Sigma Chemical Co.	SGPT Reagent No. 155-10P	Vial:30ml	05/29/73
Sigma Chemical Co.	SGPT Single Assay Vial No. 55-1P	Vial:3ml	05/29/73
Sigma Chemical Co.	Secobarbital, Product No. S-4006	Sealed Ampule:1ml	06/30/77
Sigma Chemical Co.	Temazepam, No. T-4903	Vial:1 ml	06/30/87
Sigma Chemical Co.	Thebaine, Product No. T-5270	Sealed Ampule:1ml	09/19/83
Sigma Chemical Co.	Thiamylal Sodium, Product No. T-6896	Sealed Ampule:1ml	06/08/84
Sigma Chemical Co.	Thiopental (T-1022)	Ampule:1ml	08/27/84
Sigma Chemical Co.	Triazolam $\mu$ T-7658	Ampule: 2ml	08/28/90
Sigma Chemical Co.	Trizma-Barbital Buffer, Stock No. 710-1	Amber Jar:30ml	01/04/77
Sigma Chemical Co.	Tropacocaine, Product No. T-4516	Vial: 1ml	05/11/81
Sigma Chemical Co.	d-Amphetamine-d3 Sulfate $\mu$ A-7180	Ampule: 2ml	08/28/90
Sigma Chemical Co.	d-Propoxyphene-d7 HCl $\mu$ P-4179	Ampule: 2ml	08/28/90
Sigma Chemical Co.	d-Propoxyphene-d7 HCl $\mu$ P-4179	Ampule: 2ml	08/28/90
Sigma Chemical Co.	delta-9-tetrahydrocannabinol-d3 $\mu$ T-8783	Ampule: 2ml	08/28/90
Sigma Chemical Co.	p-Methoxyamphetamine HCl $\mu$ M-4656	Ampule: 2ml	08/28/90
Smart Chemical Co.	Regal 180XL	Plastic Drum:55 gallon	06/12/88
SolarCare Technology Control	LSD EIA	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	Benzoylcegonine Cutoff Calibrator	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Benzoylcegonine Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Benzoylcegonine Positive Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Cocaine Cutoff Calibrator	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Cocaine EIA	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	Cocaine Metabolite EIA	Kit: 30 vials	06/05/90
SolarCare Technology Corporation	Cocaine Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Cocaine Positive Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	LSD Cutoff Calibrator	Vial: 4ml	06/05/90
SolarCare Technology Corporation	LSD Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	LSD Positive Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Low Level Benzodiazepine (Triazolam) EIA	Kit: 3 vials	06/05/90
SolarCare Technology Corporation	Triazolam Cutoff Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Triazolam Negative Control	Vial: 4ml	06/05/90
SolarCare Technology Corporation	Triazolam Positive Control	Vial: 4ml	06/05/90
Supelco, Inc.	Atk Mix No. 04-9210	Vial:1ml	08/28/73
Supelco, Inc.	Amobarbital, No.04-9170	Ampule: 1ml	12/22/72
Supelco, Inc.	Amph. Mix Catalog No. 4-9205	Glass Ampule:2ml	06/09/86
Supelco, Inc.	Amphetamine No.04-9165	Ampule: 1ml	12/22/72
Supelco, Inc.	Anticonvulsant Mixture No.1; No. 04-9202	Glass Serum Bottle:50ml	06/16/77
Supelco, Inc.	Antiepileptic Calibration Standard Kit, No.4-9259	Kit: 3 Ampules	05/21/80
Supelco, Inc.	Antiepileptic Calibration Standards, Nos.4-9256, 4-9257, 4-9258	Glass Ampule:5ml	05/21/80
Supelco, Inc.	Aprobarbital No.04-9171	Ampule: 1ml	12/22/72
Supelco, Inc.	Barb. Mix 1,Catalog No. 4-9200	Glass Ampule:2ml	06/09/86
Supelco, Inc.	Barb. Mix 2,Catalog No. 4-9201	Glass Ampule:2ml	06/09/86
Supelco, Inc.	Barbital,Catalog No. 4-9279	Glass Ampule:10ml	06/09/86
Supelco, Inc.	Barbiturates Test Mix Catalog No. 4-9295	Ampule: 2 ml	02/25/87
Supelco, Inc.	Cannabidiol, No.04-9221	Ampule:1ml	11/27/74
Supelco, Inc.	Cannabinol, No.04-9235	Ampule:1ml	11/27/74
Supelco, Inc.	Cocaine, No.04-9188	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc.	Codeine No.04-9161	Ampule: 1ml	12/22/72
Supelco, Inc.	Cyclobarbitol No.04-9175	Ampule: 1ml	12/22/72
Supelco, Inc.	Delta-1 THC, No.04-9237	Ampule:1ml	11/27/74
Supelco, Inc.	Delta-6 THC, No.04-9238	Ampule:1ml	11/27/74
Supelco, Inc.	Dextroamphetamine, No.4-9185	Glass Ampule:1ml	05/21/80
Supelco, Inc.	Glutethimide No.04-9173	Ampule: 1ml	12/22/72
Supelco, Inc.	Heroin No.04-9162	Ampule: 1ml	12/22/72
Supelco, Inc.	Hexobarbital No.04-9177	Ampule: 1ml	12/22/72
Supelco, Inc.	Mephobarbital No.04-9178	Ampule: 1ml	12/22/72
Supelco, Inc.	Meprobamate, No.4-9184	Glass Ampule:1ml	05/21/80
Supelco, Inc.	Methadone No.04-9163	Ampule: 1ml	12/22/72
Supelco, Inc.	Methamphetamine No.04-9168	Ampule: 1ml	12/22/72
Supelco, Inc.	Methaqualone, No.04-9183	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc.	Morphine No. 04-9160	Glass Ampule:1000mcg	03/08/78
Supelco, Inc.	Pentobarbital No. 04-9179	Glass Ampule:1000mcg	03/08/78
Supelco, Inc.	Phenobarbital No. 04-9181	Glass Ampule:1000mcg	03/08/78
Supelco, Inc.	Psilocybin, No.04-9191	1000 mcg /Glass Ampule	06/05/75
Supelco, Inc.	Secobarbital No. 04-9180	Glass Ampule:1000mcg	03/08/78
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse Urine Control (Blind Sample) Positive Amphetamine Kit No. ST 904, Vial No. 904-P.	Vial: 4ml Kit: 1 vial	05/11/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse Urine Control (Blind Sample) Positive Cocaine & Marijuana Kit No. ST 903.	Kit: 2 vials	05/11/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse Urine Control (Blind Sample) Positive Cocaine, Kit No. ST 901, Vial No. 901-P.	Vial: 4ml Kit: 1 vial	05/11/90

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse Urine Control (Blind Sample) Positive Marijuana, Kit No. ST 902, Vial No. 902-P.	Vial: 4ml Kit: 1 vial.....	05/11/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse Urine Control (Blind Sample) Positive Opiates Kit No. ST 905, Vial No. 905-P.	Vial: 4ml Kit: 1 vial.....	05/11/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse Urine Control (Blind Sample) Positive Phencyclidine Kit No. ST 906, Vial No. 906-P.	Vial: 4ml Kit: 1 vial.....	05/11/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse: Urine Controls (Blind Samples) positive Codeine No. 907-P.	Vial: 20ml; Box: 1 vial .....	09/13/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse: Urine Controls (Blind Samples) positive Methadone NNo. 908-P.	Vial: 20ml; Box: 1 vial .....	09/13/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse: Urine Controls (Blind Samples) positive Methamphetamine No. 909-P.	Vial: 20ml; Box: 1 vial .....	09/13/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse: Urine Controls (Blind Samples) positive Methaqualone No. 913-P.	Vial: 20ml, Box: 1 vial .....	09/13/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse: Urine Controls (Blind Samples) positive Oxazepam No. 910-P.	Vial: 20ml, Box: 1 vial .....	09/13/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse: Urine Controls (Blind Samples) positive Propoxyphene No. 911-P.	Vial: 20ml, Box: 1 vial .....	09/13/90
Sure-Tech Diagnostic Associates, Inc.	Drugs of Abuse: Urine Controls (Blind Samples) positive Secobarbital No. 912-P.	Vial: 20ml, Box: 1 vial .....	09/13/90
Syva Co.	AccuLevel Phenobarbital Test Control Stock Solution.	Flask:50ml.....	10/31/85
Syva Co.	AccuLevel Phenobarbital Test Kit (Catalog No.10C019) Contains: (1)AccuLevel Phenobarbital Control (2)AccuLevel Reagent I.	(1)Glass Vial:6ml; (2)Glass Vial:9ml, 12 Vials per test kit.	01/24/86
Syva Co.	Advance T-3 Uptake Assay .....	Kit:100 tests .....	05/11/82
Syva Co.	Advance Thyroxin Assay .....	Kit:100 tests .....	05/11/82
Syva Co.	Antiepileptic Drug Control.....	Vial:10ml, Lyophilized .....	08/27/74
Syva Co.	EMIT Thyroxine Assay, Cat. No. 6J909.....	Glass Bottle: 4oz., Kit: 500 Assays.....	01/23/89
Syva Co.	Emit 700 Amphetamine Assay Catalog No. 3C919.	Bottle:180ml .....	10/12/84
Syva Co.	Emit 700 Barbiturate Assay Catalog No.3D919 .....	Bottle:180ml .....	10/12/84
Syva Co.	Emit 700 Benzodiazepine Assay Reagent 2.....	Glass Bottle: 180ml, Kit: 2 bottles.....	02/21/89
Syva Co.	Emit 700 Calibrator A Catalog No. 3A919 .....	Bottle:3ml.....	10/05/84
Syva Co.	Emit 700 Calibrator B Catalog No. 3A969 .....	Bottle:3ml.....	10/05/84
Syva Co.	Emit 700 Cannabinoid (100) Assay Catalog No. 3M919.	Bottle:180ml .....	10/12/84
Syva Co.	Emit 700 Cannabinoid (100) Calibrator Catalog No. 3M969.	Bottle:3ml.....	10/09/84
Syva Co.	Emit 700 Cannabinoid (20) Assay, Catalog No. 3M959.	Plastic Bottle: 180ml .....	09/15/86
Syva Co.	Emit 700 Cannabinoid 100ng Assay Calibrator.....	Vial: 3ml .....	07/31/89
Syva Co.	Emit 700 Cannabinoid 100ng Assay Control Set.....	Kit: 2 bottles.....	07/31/89
Syva Co.	Emit 700 Cannabinoid 100ng Assay, Positive Control.	Bottle: 3ml .....	07/31/89
Syva Co.	Emit 700 Cannabinoid 20ng Assay Calibrator.....	Glass Bottle: 5ml, Kit: 2 bottles.....	02/21/89
Syva Co.	Emit 700 Cannabinoid 20ng Assay Control Set-Positive Control.	Glass Bottle: 5ml, Kit: 2 bottles.....	02/21/89
Syva Co.	Emit 700 Cannabinoid Control Set Catalog No. 3M989.	2 Bottles:3ml.....	10/09/84
Syva Co.	Emit 700 Cocaine Metabolite Assay Catalog No. 3H919.	Bottle:180ml .....	10/12/84
Syva Co.	Emit 700 Control Set A Catalog No. 3A939 .....	2 Bottles:3ml.....	10/09/84
Syva Co.	Emit 700 Control Set B Catalog No. 3A989 .....	2 Bottles:3ml.....	10/09/84
Syva Co.	Emit 700 Methaqualone Assay Catalog No. 3Q919.	Bottle:180ml .....	10/19/84
Syva Co.	Emit 700 Opiate Assay Catalog No.3B919 .....	Bottle:180ml .....	10/12/84
Syva Co.	Emit 700 Phencyclidine Assay Catalog No. 3J919.	Bottle:180ml .....	10/12/84
Syva Co.	Emit AED-No. 1 Calibrator .....	Vial:3ml, Lyophilized.....	08/27/74
Syva Co.	Emit AED-No. 2 Calibrator .....	Vial:3ml, Lyophilized.....	08/27/74
Syva Co.	Emit AED-No. 3 Calibrator .....	Vial:3ml, Lyophilized.....	08/27/74
Syva Co.	Emit AED-No. 4 Calibrator .....	Vial:3ml, Lyophilized.....	08/27/74
Syva Co.	Emit AED-No. 5 Calibrator .....	Vial:3ml, Lyophilized.....	08/27/74
Syva Co.	Emit Amphetamine Bulk Powder Reagent 2.....	Bottle: 1000 ml .....	10/04/89
Syva Co.	Emit Amphetamine Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz. ....	04/20/90
Syva Co.	Emit Amphetamine Bulk Reagent B .....	Glass bottle: 1000ml.....	12/05/90
Syva Co.	Emit Barbiturate Bulk Powder Reagent 2.....	Bottle: 1000 ml .....	10/04/89
Syva Co.	Emit Barbiturate Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz. ....	04/20/90
Syva Co.	Emit Barbiturate Bulk Reagent B .....	Glass Bottle: 1000ml.....	12/05/90
Syva Co.	Emit Benzodiazepine Bulk Powder Reagent 2 .....	Bottle: 1000 ml .....	10/04/89
Syva Co.	Emit Benzodiazepine Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz. ....	04/20/90
Syva Co.	Emit Cannabinoid (100) Bulk Powder Reagent 2.....	Bottle: 1000-ml .....	10/04/89

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Syva Co.	Emit Cannabinoid (100) Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Cannabinoid Bulk Reagent B.	Glass bottle: 1000ml	12/05/90
Syva Co.	Emit Cocaine Metabolite Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Cocaine Metabolite Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Cocaine Metabolite Bulk Reagent B.	Glass Bottle: 1000ml	12/05/90
Syva Co.	Emit Convenience Pack Phenobarbital Assay: Catalog No. 5D009.	Plastic Cassette: 100 tests	11/23/87
Syva Co.	Emit Convenience Pack: T-Uptake Assay (Thyroid Hormone Binding Ratio).	Kit: 100 Tests Ea. Kit-Plastic Cassette: 16 ml	05/09/88
Syva Co.	Emit Convenience Pack: Thyroxine Assay Enzyme Reagent B.	Plastic Cassette: 8ml, Kit: 100 Assays	02/22/89
Syva Co.	Emit Delta 9 Cannabinoid 100 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89
Syva Co.	Emit Delta 9 Cannabinoid 20 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89
Syva Co.	Emit Delta 9 Cannabinoid 400 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89
Syva Co.	Emit Delta 9 Cannabinoid 50 ng/ml Calibrator/Control.	Vial: 3 ml	08/22/89
Syva Co.	Emit HVA Amphetamine Assay Catalog No. 3C619.	Kit: 2500 Assays	06/30/88
Syva Co.	Emit HVA Barbiturate Assay Catalog No. 3D619.	Kit: 2500 Assays	06/30/88
Syva Co.	Emit HVA Calibrator Kit Catalog No. 3A619.	Kit: 500 Tests Each Kit - 2 Glass Bottles 100 ml.	05/10/88
Syva Co.	Emit HVA Cannabinoid 100 ng Assay Control Kit, Catalog No. 3M739.	Kit: 2 Bottles, 50 ml. ea.	07/15/88
Syva Co.	Emit HVA Cannabinoid 100 ng. Assay Calibrator Kit, Catalog No. 3M729.	Kit: 3 Bottles 50 ml. ea.	07/15/88
Syva Co.	Emit HVA Cannabinoid 100 ng. Assay Kit, Catalog No. 3M719.	Kit: 2500 Assays	07/15/88
Syva Co.	Emit HVA Cocaine Metabolite Assay Catalog No. 3H619.	Bottle: 125 ml.	05/10/88
Syva Co.	Emit HVA Control Kit Catalog No. 3A629.	Kit: 500 Tests Each Kit-2 Glass Bottles - 100 ml	05/10/88
Syva Co.	Emit HVA Opiate Assay Catalog No. 3B619.	Bottle: 125 ml.	05/10/88
Syva Co.	Emit HVA Phencyclidine Assay Catalog No. 3J619.	Bottle: 125 ml.	05/19/88
Syva Co.	Emit II Barbiturate Assay.	Kit: 100ml, 500ml Bottle: 4oz, 500ml	06/29/90
Syva Co.	Emit II Calibrator A Level 1 (Cutoff).	Vial: 10ml, 50ml	06/29/90
Syva Co.	Emit II Calibrator A Level 2 (high).	Vial: 10ml, 50ml	06/29/90
Syva Co.	Emit II Cannabinoid 20ng, 50ng, 100ng Assay.	Bottle: 4oz, 500ml; Kit: 100ml, 500ml	10/12/90
Syva Co.	Emit II Cocaine Metabolite Assay.	Kit: 100ml, 500ml Bottle: 4oz, 500ml	06/29/90
Syva Co.	Emit II Delta 9 Cannabinoid 20ng/ml, 50ng/ml, 100ng/ml, 200ng/ml, Calibrator/Control.	Vial: 10ml, 50ml	10/12/90
Syva Co.	Emit II Opiate Assay.	Kit: 100ml, 500ml Bottle: 4oz, 500ml	06/29/90
Syva Co.	Emit II Phencyclidine Assay.	Bottle: 4oz, 500ml; Kit: 100ml, 500ml	10/26/90
Syva Co.	Emit Methadone Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Methadone Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Methaqualone Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Methaqualone Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Opiate Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Opiate Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Opiate Bulk Reagent B.	Glass bottle: 1000ml	12/05/90
Syva Co.	Emit Phencyclidine Bulk Powder Reagent 2.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Phencyclidine Bulk Powder Reagent 2 Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Phencyclidine Bulk Reagent B.	Glass Bottle: 1000ml	12/05/90
Syva Co.	Emit Phenobarbital Bulk Powder Reagent B.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Phenobarbital Bulk Powder Reagent B Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Phenobarbital Enzyme Reagent B.	Vial: 6 ml, Lyophilized	08/27/74
Syva Co.	Emit Qst Phenobarbital Bulk Powder Reagent.	Steel Drum: 7 gallon	06/05/86
Syva Co.	Emit Qst Primidone Assay Catalog No. 60819.	Glass Vial: 6ml, 50 Vials/Kit	11/12/85
Syva Co.	Emit Serum Barbiturate-Enzyme Reagent B.	Bottle: 3ml	05/22/79
Syva Co.	Emit T-Uptake Assay.	Bottle: 4 oz., 1L, Kit: 500 tests, 5000 tests	05/25/89
Syva Co.	Emit T-Uptake Assay (Thyroid Hormone Binding Ratio) Catalog No. 6J519.	Polyethylene Bottle: 4 oz.	02/29/88
Syva Co.	Emit T-Uptake Bulk Powder Reagent A.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit T-Uptake Bulk Powder Reagent A Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Thyroxine Assay.	Glass Bottle: 8 oz., 1L, Kit: 1300 tests, 5000 tests.	05/25/89
Syva Co.	Emit Thyroxine Bulk Powder Reagent B.	Bottle: 1000 ml	10/04/89
Syva Co.	Emit Thyroxine Bulk Powder Reagent B Satellite.	Bottle: 4 oz.	04/20/90
Syva Co.	Emit Tox Serum Benzodiazepine Assay Kit Containing: Emit Enzyme Reagent B.	Bottle: 3ml	02/01/79
Syva Co.	Emit d.a.u. Amphetamine Assay Catalog Nos. 3C019, 3C119.	Kit: 100 tests, 1000 tests	09/27/84

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Syva Co.	Emit d.a.u. Amphetamine Class Low Calibrator, Cat. No. 3C179.	Glass Vial: 5ml	01/30/89
Syva Co.	Emit d.a.u. Amphetamine Class Medium Calibrator, Cat. No. 3C189.	Glass Vial: 5ml	01/30/89
Syva Co.	Emit d.a.u. Benzodiazepine Assay Catalog Nos. 3F019, 3F119.	Kit:100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u. Cannabinoid 100 ng Assay, Catalog No. 3M119.	Kit: 1000 tests	09/12/86
Syva Co.	Emit d.a.u. Cannabinoid 100ng Assay Calibrator	Kit: 3 vials	07/31/89
Syva Co.	Emit d.a.u. Cannabinoid 100ng Assay Low Calibrator.	Vial: 3ml	07/31/89
Syva Co.	Emit d.a.u. Cannabinoid 100ng Assay Medium Calibrator.	Vial: 3ml	07/31/89
Syva Co.	Emit d.a.u. Cannabinoid 20ng Assay Catalog No. 3M619.	Kit:100 tests	02/10/86
Syva Co.	Emit d.a.u. Cannabinoid 20ng Enzyme Reagent B.	Vial:10ml Lyophilized Powder	02/10/86
Syva Co.	Emit d.a.u. Cannabinoid 50 ng Assay Calibrators, Low And Medium: Cat. No. 3M509.	Vial: 5 ml	06/01/88
Syva Co.	Emit d.a.u. Cannabinoid 50 ng Assay: Cat. No. 3M519.	Kit: 100 tests	06/01/88
Syva Co.	Emit d.a.u. Cannabinoid Assay Catalog No. 3M019.	Kit:100 tests	09/24/84
Syva Co.	Emit d.a.u. Cannabinoid Urine Calibrator Set	Kit:3 Vials, 3ml Each	01/03/80
Syva Co.	Emit d.a.u. Cocaine Metabolite Assay Catalog Nos. 3H019, 3H119.	Kit:100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u. Low Calibrator A	Vial: 5 ml	06/30/89
Syva Co.	Emit d.a.u. Low Calibrator A	Bottle:5ml	07/20/84
Syva Co.	Emit d.a.u. Low Calibrator A, Catalog No. 3C579	5 ml vial	10/06/88
Syva Co.	Emit d.a.u. Medium Calibrator A	Vial: 5 ml	06/30/89
Syva Co.	Emit d.a.u. Medium Calibrator A, Catalog No. 3C569.	5 ml vial	10/06/88
Syva Co.	Emit d.a.u. Medium Calibrator B	Bottle:5ml	08/03/84
Syva Co.	Emit d.a.u. Methadone Assay Catalog Nos. 3E019, 3E119.	Kit:100 tests, 1000 tests	10/05/84
Syva Co.	Emit d.a.u. Monoclonal Amphetamine/Methamphetamine Assay, Catalog No3C549 100 tests, 3C559 1000 tests.	Kit: 100 tests, 1000 tests	10/06/88
Syva Co.	Emit d.a.u. Oplate Assay Catalog Nos. 3B019, 3B119.	Kit:100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u. Phencyclidine Assay Kit Containing: (1)Emit Phencyclidine Enzyme Reagent B.	Bottle:6ml	02/01/79
Syva Co.	Emit d.a.u.Barbiturate Assay Catalog Nos. 3D019, 3D119.	Kit:100 tests, 1000 tests	09/27/84
Syva Co.	Emit d.a.u.Low Calibrator B	Bottle:5ml	08/03/84
Syva Co.	Emit d.a.u.Medium Calibrator A	Bottle:5ml	07/20/84
Syva Co.	Emit- Tox Serum Barbiturate Assay	Kit:50 tests	05/22/79
Syva Co.	Emit-Qst Phenobarbital Assay, Catalog Number 6D819.	Kit:50 Vials	01/18/84
Syva Co.	Emit-Tox Serum Calibrators:Low and Medium	Bottle:3ml	02/01/79
Syva Co.	Emit-d.a.u. Methaqualone Assay	Kit:100 tests	04/27/82
Syva Co.	Emit-st Amphetamine Assay	Vial:3ml, 80 vials/kit	10/03/80
Syva Co.	Emit-st Barbiturate Assay	Vial:3ml, 80 vials/kit	10/03/80
Syva Co.	Emit-st Benzodiazepine Assay	Vial:3ml, 80 vials/kit	10/03/80
Syva Co.	Emit-st Cannabinoid Assay Catalog No. 3M319	Vial:6ml, 80 Vials/Kit	09/27/84
Syva Co.	Emit-st Cannabinoid Calibrator	Vial:3ml, 2 vials/kit	07/10/81
Syva Co.	Emit-st Cannabinoid Controls	Vial:3ml, 2 vials/kit	07/10/81
Syva Co.	Emit-st Oplate Assay	Kit:3ml, 80 vials/kit	10/03/80
Syva Co.	Emit-st Phencyclidine Assay	Vial:3ml, 80 vials/kit	01/07/81
Syva Co.	Emit-st Serum Barbiturate Assay	Vial:3ml, 80 vials/kit	02/16/81
Syva Co.	Emit-st Serum Benzodiazepine Assay	Vial:3ml, 80 vials/kit	02/16/81
Syva Co.	Emit-st Serum Calibrator	Vial:3ml	02/16/81
Syva Co.	Emit-st Serum Controls	Vial:3ml, 2 vials/kit	02/16/81
Syva Co.	Emit-st Serum Phencyclidine Assay	Vial:3ml, 80 vials/kit	02/16/81
Syva Co.	Emit-st Urine Calibrator A	Vial:1ml, 3 vials/kit	10/03/80
Syva Co.	Emit-st Urine Cocaine Metabolite Assay	Vial:3 ml, 80 Vials/Kit	03/16/82
Syva Co.	Emit-st Urine Controls A	Vial:1ml, 6 vials/kit	10/03/80
Syva Co.	Emit-st Urine Methadone Assay	Vial:3ml, 80 vials/kit	03/22/82
Syva Co.	Emit-st Urine Methaqualone Assay	Kit:80 Vials	04/27/82
Syva Co.	Emit-st Urine Methaqualone Calibrator	Vial:3ml	04/27/82
Syva Co.	Emit-st Urine Methaqualone Controls	Vial:3ml	04/27/82
Syva Co.	IL test AED Calibrator 1	Vial: 5 ml	04/06/90
Syva Co.	IL test AED Calibrator 2	Vial: 5ml	04/06/90
Syva Co.	IL test AED Calibrator 3	Vial: 5ml	04/06/90
Syva Co.	IL test AED Calibrator 4	Vial: 5ml	04/06/90
Syva Co.	IL test AED Calibrator 5	Vial: 5ml	04/06/90
Syva Co.	IL test Cannabinoid 100ng, 400ng calibrator	Vial: 5ml	04/06/90
Syva Co.	IL test set A calibrator	Vial: 5ml	04/06/90
Syva Co.	IL test set A control	Vial: 5ml	04/06/90
Syva Co.	IL test set B calibrator	Vial: 5ml	04/06/90

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
Syva Co.	IL test set B control	Vial: 5ml	04/06/90
Syva Laboratories	Emit Benzodiazapine Bulk Reagent B	Glass Bottle: 1000ml	12/05/90
Technicon Instruments Corporation	Technicon RA Systems Set Point	Vial: 5ml Kit: 5 vials	07/20/90
Tempilaq. Big Three Industries, Inc.	Tempilaq Striped Mylar	Plastic Sheet: 6 by 12 in. 50 sheets per envelope.	09/22/76
The Theta Corp.	Allobarbitol No.FP305	Vial: 2ml	04/10/73
The Theta Corp.	Amobarbitol No. FP313	Vial:2ml	04/10/73
The Theta Corp.	Amphetamine No. FP604	Vial: 2ml	04/10/73
The Theta Corp.	Anileridine No. FP203	Vial:2ml	04/10/73
The Theta Corp.	Aprobarbitol No. FP306	Vial: 2ml	04/10/73
The Theta Corp.	Barbital No.FP314	Vial: 2ml	04/10/73
The Theta Corp.	Benzoyllecgonine FP-1001	Vial: 2 ml	01/24/87
The Theta Corp.	Butabarbitol No. FP315	Vial:2ml	04/10/73
The Theta Corp.	Butalbital No. FP307	Vial:2ml	04/10/73
The Theta Corp.	Chloral Betaine No. FP502	Vial:2ml	04/10/73
The Theta Corp.	Chloral Hydrate No. FP501	Vial:2ml	04/10/73
The Theta Corp.	Cocaine No. FP601	Vial:2ml	04/10/73
The Theta Corp.	Codeine No. FP102	Vial:2ml	04/10/73
The Theta Corp.	Cyclobarbitol No. FP308	Vial:2ml	04/10/73
The Theta Corp.	Dihydrocodeine No. FP108	Vial: 2ml	04/10/73
The Theta Corp.	Diphenoxylate No. FP205	Vial:2ml	04/10/73
The Theta Corp.	Ethchlorvynol No. FP508	Vial:2ml	04/10/73
The Theta Corp.	Ethylmorphine No. FP106	Vial:2ml	04/10/73
The Theta Corp.	FP207	Vial:2ml	09/04/80
The Theta Corp.	FP210	Vial:2ml	05/15/84
The Theta Corp.	FP214	Vial:2ml	04/10/84
The Theta Corp.	FP327	Vial:2ml	04/10/84
The Theta Corp.	FP405	Vial:2ml	03/08/79
The Theta Corp.	FP411	Vial:2ml	05/15/84
The Theta Corp.	FP412	Vial:2ml	05/15/84
The Theta Corp.	FP416	Vial:2ml	05/15/84
The Theta Corp.	FP512	Vial:2ml	03/08/79
The Theta Corp.	FP513	Vial:2ml	03/08/79
The Theta Corp.	FP514	Vial:2ml	05/15/84
The Theta Corp.	FP515	Vial:2ml	03/08/79
The Theta Corp.	FP556	Vial:2ml	04/10/84
The Theta Corp.	FP601A	Vial:2ml	05/15/84
The Theta Corp.	FP607	Vial:2ml	05/15/84
The Theta Corp.	FP609	Vial:2ml	05/15/84
The Theta Corp.	Fentanyl No. FP211	Vial:2ml	04/10/73
The Theta Corp.	Glutethimide No. FP404	Vial:2ml	04/10/73
The Theta Corp.	Heptabarbitol No. FP309	Vial:2ml	04/10/73
The Theta Corp.	Hexabarbitol No. FP303	Vial:2ml	04/10/73
The Theta Corp.	Hydrocodone No. FP107	Vial:2ml	04/10/73
The Theta Corp.	Hydromorphone No. FP103	Vial:2ml	04/10/73
The Theta Corp.	Levorphanol No. FP208	Vial:2ml	04/10/73
The Theta Corp.	Marker Mixture No. FPM-104	Vial:2ml	04/10/73
The Theta Corp.	Marker Mixture No. FPM-201	Vial:2ml	04/10/73
The Theta Corp.	Meperidine No.FP201	Vial:2ml	04/10/73
The Theta Corp.	Mephobarbitol No. FP301	Vial:2ml	04/10/73
The Theta Corp.	Meprobamate No. FP402	Vial:2ml	04/10/73
The Theta Corp.	Methadone No. FP206	Vial:2ml	04/10/73
The Theta Corp.	Methamphetamine No. FP603	Vial:2ml	04/10/73
The Theta Corp.	Metharbitol No. FP302	Vial:2ml	04/10/73
The Theta Corp.	Methohexital No. FP304	Vial:2ml	04/10/73
The Theta Corp.	Methylphenidate No. FP605	Vial:2ml	04/10/73
The Theta Corp.	Monthly Urine Test No. FPM-103	Vial:2ml	04/10/73
The Theta Corp.	Morphine No. FP101	Vial:2ml	04/10/73
The Theta Corp.	Oxycodone No. FP109	Vial:2ml	04/10/73
The Theta Corp.	Oxymorphone No. FP104	Vial:2ml	04/10/73
The Theta Corp.	Paraldehyde No.FP506	Vial:2ml	04/10/73
The Theta Corp.	Pentobarbitol No. FP318	Vial:2ml	04/10/73
The Theta Corp.	Phenazocine No. FP213	Vial:2ml	04/10/73
The Theta Corp.	Phenmetrazine No. FP606	Vial:2ml	04/10/73
The Theta Corp.	Phenobarbitol No. FP320	Vial:2ml	04/10/73
The Theta Corp.	Piminodine No. FP202	Vial:2ml	04/10/73
The Theta Corp.	Probarbitol No. FP319	Vial:2ml	04/10/73
The Theta Corp.	Secobarbitol No. FP310	Vial:2ml	04/10/73
The Theta Corp.	Talbutal No. FP311	Vial:2ml	04/10/73
The Theta Corp.	Test Mixture SM No. 1	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture SM No. 2	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture SM No. 3	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture SM No. 4	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture SP No. 1	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture SP No. 2	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture SP No. 3	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture SP No. 4	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture TM No. 1	Vial:2ml	06/19/74
The Theta Corp.	Test Mixture TM No. 2	Vial:2ml	06/19/74
The Theta Corp.	Thiamylal No. FP322	Vial:2ml	04/10/73

## Exempt Chemical Preparations—Continued

Supplier	Product	Form of Product	Date
The Theta Corp.	Thiopental No. FP321	Vial:2ml	04/10/73
The Theta Corp.	Vinbarbital No. FP312	Vial:2ml	04/10/73
The Theta Corp.	Weekly Urine Test (FDA) No. FPM-101	Vial:2ml	04/10/73
The Theta Corp.	Weekly Urine Test (States) No. FPM-102	Vial:2ml	04/10/73
Toxi-Lab, Inc.	Proficiency Sample	Plastic Bottle Containing 40 ml	06/22/82
Toxi-Lab, Inc.	Special Toxi-Discs	Plastic Vial or Bottle Containing 50 Standard Discs.	03/30/77
Toxi-Lab, Inc.	Supplemental Standard Toxi-Discs No. SD-4 Catalog No. 234.	Plastic Vial Containing 50 Standard Discs	06/15/88
Toxi-Lab, Inc.	Supplemental Standard Toxi-Discs No. SD-5 Catalog No. 235.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc.	Supplemental Standard Toxi-Discs No. SD-6 Catalog No. 236.	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc.	Toxi-Control	Plastic Bottle Containing 50 ml	03/30/77
Toxi-Lab, Inc.	Toxi-Control THC	Plastic Bottle Containing 50 ml	10/05/83
Toxi-Lab, Inc.	Toxi-Disc A Series	Plastic Vial Containing 50 Standard Discs	05/06/75
Toxi-Lab, Inc.	Toxi-Disc B Series	Plastic Vial Containing 50 Standard Discs	05/06/75
Toxi-Lab, Inc.	Toxi-Discs Library II, No 3 Catalog No. 131C	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc.	Toxi-Discs Library II, No. 1 Catalog No. 131A	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc.	Toxi-Discs Library II, No. 10 Catalog No. 131K	Plastic vial containing 50 standard discs	06/15/88
Toxi-Lab, Inc.	Toxi-Discs Library II, No. 11, Catalog No. 131L	Plastic 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: 10ml	10/09/90
Utak Laboratories	Toxicology Control-High Range Anticonvulsants No. 71910.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Barbiturates No. 71916.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Hypnotic Plus Acetaminophem, No. 71918.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-High Range Hypnotic Plus Salicylate, No. 71920.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Anticonvulsants No. 71911.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Barbiturates No. 71917.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Hypnotic Plus Acetaminophem, No. 71919.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Control-Mid Range Hypnotic Plus Salicylate, No. 71921.	Bottle:10ml	04/14/80
Utak Laboratories	Toxicology Serum Control Dried #88112	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Serum Control Dried #88113	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Serum Control Dried #88120	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Serum Control-Dried Catalog Nos. 44610, 44612, 44632, 44635, 44636, 44637, 44642, 44645, 44646, 44647, 44658.	In Bottles	05/24/76
Utak Laboratories	Toxicology Urine Control Dried #88100	Bottle:20ml	07/29/82
Utak Laboratories	Toxicology Urine Control Dried #88121	Bottle:10ml	07/29/82
Utak Laboratories	Toxicology Urine Control-Dried Catalog Nos. 44650, 44651, 44652, 44653.	Bottle:1 oz	05/24/76
Ventrex Laboratories, Inc.	PTH Antiserum	Vial: 5ml	04/12/90
Ventrex Laboratories, Inc.	PTH Assay Buffer	Vial: 10ml	04/12/90
Ventrex Laboratories, Inc.	PTH Omega Radiimmunoassay Kit	Kit: 60 tests	04/12/90
Ventrex Laboratories, Inc.	PTH Second Antibody	Vial: 10ml	04/12/90
Ventrex Laboratories, Inc.	PTH Tracer Buffer	Vial: 5 ml	04/12/90
Wien Laboratories	Methamphetamine: HRP EIA Conjugate	Vial: 5ml, 10ml	06/25/80
Wien Laboratories, Inc.	ANS Buffer pH 8.6 Catalog No. T-5144	Plastic Bottle:100ml	05/14/75
Wien Laboratories, Inc.	Buffer Reagent pH 8.6 Catalog No. T-5065	Bottle:4oz	12/22/72
Wien Laboratories, Inc.	Coated Charcoal Suspension No. T-5077	Bottle:4oz	12/22/72
Wien Laboratories, Inc.	T3 Buffer Reagent Catalog No. T-5156	Plastic Vial:20ml	09/13/78
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. 91-4852 Filed 3-4-91; 8:45 am]  
BILLING CODE 4410-09-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

#### 24 CFR Part 91

[Docket No. R-91-1507; FR-2932-0-03]  
RIN 2501-AB13

### Comprehensive Housing Affordability Strategies; Announcement of OMB Approval Numbers

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Interim rule and request for comments; Announcement of OMB approval number.

**SUMMARY:** On February 4, 1991 (56 FR 4480), the Department published in the *Federal Register*, an interim rule that implemented section 105, as well as sections 107 and 108, of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101-625, approved November 28, 1990). Section 105 of the Act requires that State and local governments must have Comprehensive Housing Affordability Strategies; whereas, sections 107 and 108 prescribes the citizen participation procedure for development of the housing strategies and the compliance procedures to be followed by State and local governments.

The date section of the February 4 interim rule indicated that §§ 91.15, 91.20, 91.25, 91.30, 91.35, 91.40, 91.45, 91.50, 91.55, 91.70, and 91.75 contained information collection requirements and would not become effective until the Office of Management and Budget (OMB) approved the requirements and until a separate notice of that fact had been published by the Department in the *Federal Register*.

The purpose of this document is to publish the OMB approval number for the sections listed above.

**EFFECTIVE DATE:** March 5, 1991.

**FOR FURTHER INFORMATION CONTACT:** David Cohen, Director, Office of Urban Rehabilitation, Office of Community Planning and Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2685.

#### SUPPLEMENTARY INFORMATION:

##### Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the

Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control number listed.

#### List of Subjects in 24 CFR Part 91

Grant programs—housing and community development, Reporting and recordkeeping requirements, Homeless.

#### Text of the Amendment

Accordingly, part 91 of title 24 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 91 continues to read as follows:

Authority: Secs. 101-108, Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625, 104 Stat. 4079 (42 U.S.C. 12701-12708); 42 U.S.C. 3535(d).

§§ 91.15, 91.20, 91.25, 91.30, 91.35, 91.40, 91.45, 91.50, 91.55, 91.70, and 91.75 [Amended]

2. Sections 91.15, 91.20, 91.25, 91.30, 91.35, 91.40, 91.45, 91.50, 91.55, 91.70, and 91.75 are amended by adding at the end of each section, the following statement: (Approved by the Office of Management and Budget under OMB control number 2506-0117).

Dated: February 28, 1991.

Grady J. Norris,

*Assistant General Counsel for Regulations.*

[FR Doc. 91-5148 Filed 3-4-91; 8:45 am]  
BILLING CODE 4210-32-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[T.D. 8336]

RIN 1545-A081

### Disclosures of Return Information to the Bureau of the Census

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Temporary regulations.

**SUMMARY:** This document provides temporary regulations relating to the disclosure of additional items of return information to the Bureau of the Census for use in certain statistical programs. These regulations provide guidance to Internal Revenue Service personnel responsible for disclosing the information. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the Proposed Rules portion of the *Federal Register* [LA-34-90].

**EFFECTIVE DATE:** The regulations contained in this document apply to

disclosures and related activities on or after February 28, 1991.

**FOR FURTHER INFORMATION CONTACT:** Paul W. Winkler, (202) 566-4430 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 6103(j)(1) of the Internal Revenue Code, upon written request from the Secretary of Commerce, the Secretary of the Treasury is to furnish to the Bureau of the Census tax return information that is prescribed by Treasury regulations. Section 301.6103(j)(1)-1 of the regulations provides an itemized description of the return information authorized to be disclosed for this purpose. Periodically, the disclosure regulations are amended to reflect the changing statistical needs of the Bureau of the Census for statutorily authorized statistical activities.

This document adopts temporary regulations that authorize Internal Revenue Service personnel to disclose the additional items of return information that were requested by the Secretary of Commerce. Except for § 301.6103(j)(1)-1T (b)(1) and (b)(3), the text of the temporary regulations is the same as § 301.6103(j)(1)-1 of the regulations (as it appears in the Code of Federal Regulations revised as of April 4, 1990). The changes in § 301.6103(j)(1)-1T (b)(1) and (b)(3) are discussed below.

##### Explanation of Provisions

The request by the Secretary of Commerce for additional items of return information indicated several areas in which changes to existing Bureau access to tax return information either would improve present statistical programs or were necessary to implement new programs.

First, to improve the statistical methodology of its company-based Plant & Equipment Expenditures Survey, the Bureau needs total asset figures from corporate and partnership returns.

Second, in preparing for the 1992 census of agriculture, the Bureau intends to narrow its mailing list and reduce the respondent reporting burden by identifying actual farm operators as opposed to owners who do not materially participate in farm operations. To achieve this objective, the Bureau needs the answers to the material participation question on Form 1040, Schedule F, and the agricultural activity code.

Several additional items of return information are required for the 1992 economic census. For this census, Congress authorized the Bureau to

expand its coverage to include the transportation, communication, utility, finance, insurance, and real estate industries. Accordingly, more items are required from returns presently described in § 301.6103(j)(1)-1(b) as well as information from other categories of business related returns. The Bureau currently may obtain the business codes which the Service requires on returns and believes that its business statistical programs could be improved if it also had access to taxpayers' written descriptions of their businesses which were the bases for Service assignment of these codes. Present regulations authorize disclosure to the Bureau of the identities of no more than 10 shareholders of a subchapter S corporation or 10 members of a partnership. In order to improve its determination of ownership composition, the Bureau needs the identities of all shareholders of such corporations and all members of partnerships. Finally, the Women's Business Ownership Act of 1988 requires the Bureau to collect data on corporations that are 51% or more owned by women, and this program is to be implemented as part of the 1992 economic census. While the Bureau presently requires tax information for this purpose with respect to individual proprietorships, partnerships, and subchapter S corporations, corresponding tax information is not available regarding larger corporations, and the Bureau needs information from Form 1120 identifying officers of these corporations for matching to Social Security Administration sex codes. Further, in order to reclassify businesses owned by women, the Bureau needs figures from K-1 schedules attached to Forms 1120S and 1065 showing the percentage stock or equity interests of shareholders and partners.

The Bureau currently uses adjusted gross income figures from individual income tax returns in its income estimates program. From a statistical standpoint, the Bureau believes that a more meaningful gauge of money income for this purpose would be a total of several special types of income reflected on these returns. Until this new measure of income can be fully utilized statistically, the Bureau would continue to use adjusted gross income.

For simplification and consistency, the term "loss" is not stated in these regulations although it is the intent of the Service to provide any negative or loss figures to the Bureau.

#### Special Analyses

It has been determined that these temporary regulations are not major

rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these temporary regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

#### Drafting Information

The principal author of these regulations is Paul W. Winkler of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations on matters of both substance and style.

#### List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

#### Amendments to the Regulations

Accordingly, 26 CFR part 301 is amended as follows:

**Paragraph 1.** The authority for part 301 is amended by adding the following citation:

**Authority:** 26 U.S.C. 7805 \* \* \* Section 301.6103(j)(1)-1T also issued under 26 U.S.C. 6103(j).

**Par. 2.** A new § 301.6103(j)(1)-1T is added following § 301.6103(j)(1)-1 to read as follows:

**§ 301.6103(j)(1)-1T Disclosures of return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities (temporary).**

(a) *General rule.* Pursuant to the provisions of section 6103(j)(1) of the Internal Revenue Code and subject to the requirements of paragraph (d) of this section, officers or employees of the Internal Revenue Service will disclose return information (as defined by section 6103(b)(2) but not including return information described in section 6103(o)(2)) to officers and employees of the Department of Commerce to the extent, and for such purposes as may be,

provided by paragraphs (b) and (c) of this section. Further, in the case of any disclosure of return information so provided by paragraphs (b) and (c), the tax period or accounting period to which such return information relates will also be disclosed.

(b) *Disclosure of return information to officers and employees of the Bureau of the Census.* (1) Officers or employees of the Service will disclose the following return information reflected on returns of an individual taxpayer to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of title 13, United States Code, intercensal estimates of population and income for all geographic areas included in the population estimates program and demographic statistics programs, censuses, and related program evaluation:

- (i) Taxpayer identity information (as defined in section 6103(b)(6) of the Code), validity code with respect to the taxpayer identifying number (as described in section 6109), and taxpayer identity information of spouse and dependents, if reported;
  - (ii) District office and service center codes;
  - (iii) Marital status;
  - (iv) Number and classification of reported exemptions;
  - (v) Wage and salary income;
  - (vi) Dividend income;
  - (vii) Interest income;
  - (viii) Gross rent and royalty income;
  - (ix) Total of:
    - (A) Wages, salaries, tips, etc.,
    - (B) Interest income,
    - (C) Dividend income,
    - (D) Alimony received,
    - (E) Business income,
    - (F) IRA distributions,
    - (G) Pensions and annuities,
    - (H) Income from rents, royalties, partnerships, estates, trusts, etc.,
    - (I) Farm income,
    - (J) Unemployment compensation, and
    - (K) Total Social Security benefits;
  - (x) Adjusted gross income;
  - (xi) Type of tax return filed;
  - (xii) Entity code;
  - (xiii) Code indicators for Form 1040, Schedules A, C, D, E, F, and SE;
  - (xiv) Posting cycle date relative to filing; and
  - (xv) Social Security benefits.
- (2) Officers or employees of the Service will disclose to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting, as authorized by chapter 5 of title 13, United States Code, demographic, economic, and

agricultural statistics programs and censuses and related program evaluation—

(i) From the business master files of the Service, the taxpayer name directory and entity records consisting of taxpayer identity information (as defined in section 6103(b)(6)) with respect to taxpayers engaged in a trade or business, the principal industrial activity code, the filing requirement code, the employment code, the service center and district and area office codes, and monthly corrections of, and additions to, such entity records;

(ii) From Form SS-4, all return information reflected on such return;

(iii) From an employment tax return—

(A) Taxpayer identifying number (as described in section 6109) of the employer,

(B) Total compensation reported,

(C) Master file tax account number,

(D) Taxable period covered by such return,

(E) Employer code,

(F) Document locator number,

(G) Record code,

(H) Total number of individuals employed in the taxable period covered by the return.

(I) Total taxable wages paid for purposes of chapter 21, and

(J) Total taxable tip income reported for purposes of chapter 21; and

(iv) Form Form 1040, Schedule SE—

(A) Taxpayer identifying number of self-employed individual,

(B) Business activities subject to the tax imposed by chapter 21,

(C) Net earnings from farming,

(D) Net earnings from nonfarming activities,

(E) Total net earnings from self-employment, and

(F) Taxable self-employment income for purposes of chapter 2.

(3) Officers or employees of the Service will disclose the following business related return information reflected on the return of a taxpayer to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of title 13, United States Code, demographic, economic, and agricultural statistics programs, censuses, and surveys. The "return of a taxpayer" includes, but is not limited to, Form 941; Form 990 series; Form 1040 series and Schedules C, F, and SE; Form 1065 and all attending schedules and Form 8825; Form 1120 series and all attending schedules and Form 8825; Form 851; Form 1096; and other business returns, schedules and forms that the Service may issue:

(i) Taxpayer identity information (as defined in section 6103 (b) (6) of the Code) including shareholder, partner, and employer identity information;

(ii) Gross income, profits, or receipts;

(iii) Net farm profits;

(iv) Sales of livestock and produce raised;

(v) Returns and allowances;

(vi) Cost of labor, salaries, and wages;

(vii) Total assets;

(viii) Royalty income;

(ix) Interest income, including portfolio interest;

(x) Rental income, including gross rents;

(xi) Tax-exempt interest income;

(xii) Percentage of stock owned by each shareholder;

(xiii) Percentage of capital ownership of each partner;

(xiv) Agricultural activity code;

(xv) Answers to material participation questions;

(xvi) End-of-year code;

(xvii) Months actively operated;

(xviii) Principal industrial activity code, including the business description;

(xix) All information on Schedule E filed with Form 1120 series;

(xx) Total number of documents and the total amount reported on the Form 1096 transmitting Forms 1099-MISC;

(xxi) Form 941 indicator on Schedule C; and

(xxii) Consolidated return indicator.

(4) Officers or employees of the Service will disclose return information relating to a taxpayer contained in the exempt organization master files of the Service to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of title 13, United States Code, economic censuses. This return information consists of taxpayer identity information (as defined in section 6103(b)(6)), activity codes, and filing requirement code, and monthly corrections of, and additions to, such return information.

(5) Subject to the requirements of paragraph (d) of this section and § 301.6103(p)(2)(B)-1, officers or employees of the Social Security Administration to whom the following return information has been disclosed as provided by section 6103(l) (1)(A) or (5) may disclose such return information to officers and employees of the Bureau of the Census for necessary purposes described in paragraph (b) (2) or (3) of this section—

(i) From Form SS-4, all information reflected on such return; and

(ii) From Form 1040, Schedule SE—

(A) Taxpayer identifying number of self-employed individual,

(B) Business activities subject to the tax imposed by chapter 21,

(C) Net earnings from farming,

(D) Net earnings from nonfarming activities,

(E) Total net earnings from self-employment, and

(F) Taxable self-employment income for purposes of chapter 2.

(6)(i) Officers or employees of the Service will disclose the following return information (but not including return information described in section 6103(o)(2)) reflected on the return of a corporation with respect to the tax imposed by chapter 1 to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, developing and preparing, as authorized by law, the Quarterly Financial Report—

(A) From the business master files of the Service—

(1) Taxpayer identity information as defined in section 6103(b)(6)),

(2) Consolidated return and final return indicators,

(3) Principal industrial activity code,

(4) Partial year indicator,

(5) Annual accounting period,

(6) Gross receipts less returns and allowances,

(7) Net income or loss, and

(8) Total assets; and

(B) From Form SS-4—

(1) Month and year in which such return was executed,

(2) Taxpayer identity information,

(3) Principal industrial activity, geographic, firm size, and reason for application codes.

(ii) Subject to the requirements of paragraph (d) of this section and § 301.6103(p)(2)(B)-1, officers or employees of the Social Security Administration to whom return information described in paragraph (b)(6)(i)(B) of this section with respect to a corporation has been disclosed as provided by section 6103(l)(1)(A) may disclose such return information to officers and employees of the Bureau of the Census for a purpose described in this paragraph (b)(6).

(c) *Disclosure of return information to officers and employees of the Bureau of Economic Analysis.* (1) Officers or employees of the Service will disclose to officers and employees of the Bureau of Economic Analysis for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by law, statistical analyses return information consisting of Statistics of Income transcript-edit sheets containing return information reflected on returns of designated classes or categories of corporations with respect to the tax

imposed by chapter 1 and microfilmed records of return information reflected on such returns where needed for further use in connection with such conduct or preparation.

(2) Subject to the requirements of paragraph (d) of this section and § 301.6103(p)(2)(B)-1, officers and employees of the Social Security Administration to whom the following return information reflected on returns of designated classes or categories of corporations has been disclosed as provided by section 6103(l)(1)(A)(5) may disclose such return information to officers and employees of the Bureau of Economic Analysis for necessary purposes described in paragraph (c)(1) of this section—

(i) From Form SS-4, principal industrial activity and geographic codes; and

(ii) From an employment tax return—  
(A) Total compensation reported, and  
(B) Taxable wages paid for purposes of chapter 21 to each employee.

(d) *Procedures and restrictions.* Disclosure of return information by officers or employees of the Service or the Social Security Administration as provided by paragraphs (b) and (c) of this section will be made only upon written request to the Commissioner of Internal Revenue by the Secretary of Commerce describing—

(1) The particular return information to be disclosed,

(2) The taxable period or date to which such return information relates, and

(3) The particular purpose for which the return information is to be used, and designating by name and title the officers and employees of the Bureau of the Census or the Bureau of Economic Analysis to whom such disclosure is authorized. No such officer or employee to whom return information is disclosed pursuant to the provisions of paragraph (b) or (c) shall disclose such return information to any person, other than the taxpayer to whom such return information relates or other officers or employees of such bureau whose duties or responsibilities requires such disclosure for a purpose described in paragraph (b) or (c), except in a form which cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. If the Service determines that the Bureau of the Census or the Bureau of Economic Analysis, or any officer or employee thereof, has failed to, or does not, satisfy the requirements of section 6103(p)(4) of the Code or regulations or published procedures thereunder, the Service may take such actions as are deemed

necessary to ensure that such requirements are or will be satisfied, including suspension or disclosures of return information otherwise authorized by section 6103(j)(1) and paragraph (b) or (c) of this section, until the Service determines that such requirements have been or will be satisfied.

(e) *Effective date.* Section 301.6103(j)(1)-1T applies to disclosures and related activities on or after February 28, 1991. For disclosures and related activities before February 28, 1991, see § 301.6103(j)(1)-1.

Fred T. Goldberg, Jr.,  
*Commissioner of Internal Revenue.*

Approved: February 14, 1991.

Kenneth W. Gideon,  
*Assistant Secretary of the Treasury.*  
[FR Doc. 91-4946 Filed 3-4-91; 8:45 am]  
BILLING CODE 4830-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL-3908-6]

### Approval and Promulgation of Implementation Plans; State of Missouri

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Missouri Department of Natural Resources (MDNR) has submitted amendments to rules 10 CSR 10-6.020 "Definitions" and 10 CSR 10-6.060 "Permits Required" which incorporate nitrogen oxides increments into its existing Prevention of Significant Deterioration (PSD) rules. EPA is taking final action to approve these rule amendments as a revision to the Missouri State Implementation Plan (SIP).

**DATES:** This action will be effective May 6, 1991 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the *Federal Register*.

**ADDRESSES:** Copies of the state submittal for this action are available for public inspection during normal business hours at: the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65102; Public Information Reference Unit,

Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Josh Tapp at (913) 551-7606 (FTS 276-7606).

**SUPPLEMENTARY INFORMATION:** On October 17, 1988, EPA revised the PSD regulations at 40 CFR 51.166 and 52.21 (see 53 FR 40656) for nitrogen oxides. These regulations establish the maximum increase in ambient nitrogen dioxide concentrations allowed (NO<sub>x</sub> increment) in an area above the baseline concentration. The baseline concentration is that concentration which exists in the baseline area at the time of the applicable minor source baseline date. The intended effect of these regulations is to require all applicants for major new stationary sources and major modifications which emit nitrogen oxides to account for and, if necessary, restrict emissions so as not to cause or contribute to exceedances of the increment. On September 25, 1990, MDNR submitted amendments to 10 CSR 10-6.020 "Definitions" and 10 CSR 10-6.060 "Permits Required" which incorporate the October 27, 1988, NO<sub>x</sub> PSD revisions to 40 CFR 51.166 and 52.21. The state promulgated this rule, after proper notice and public hearing, on May 24, 1990. The state also provided a supplemental demonstration that meets the regulatory language, legal authority, and reporting requirements as detailed in the EPA guidance memorandum of August 17, 1990, entitled "Procedures and Guidance for the Incorporation of NO<sub>x</sub> PSD Increments Into State and Local PSD Programs."

**EPA Action:** EPA finds that the submittal is acceptable and is taking final action to approve revisions to Missouri rules 10 CSR 10-6.020 and 10 CSR 10-6.060 as a revision to the Missouri SIP.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective May 6, 1991 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective May 6, 1991.

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

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR2214-2225). The Office of Management and Budget waived Tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 until April 1991.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the U.S. Court of Appeals for the appropriate circuit by May 6, 1991. This action may not be challenged later in proceedings to enforce its requirements. (See section 307 (b)(2).)

The Agency has reviewed this request for revision of the federally approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Nitrogen dioxide.

Dated: February 5, 1991.

William Rice,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

##### Subpart AA—Missouri

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1320 is amended by adding paragraph (c)(75) to read as follows:

#### § 52.1320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(75) Plan revisions were submitted by the Missouri Department of Natural Resources on September 25, 1990, which

implement EPA's October 17, 1988, PSD NO<sub>x</sub> requirements.

#### (i) Incorporation by reference

(A) Revisions to rules 10 CSR 10-6.020 "Definitions" and 10 CSR 10-6.060 "Permits Required" were adopted by the Missouri Air Conservation Commission on May 14, 1990, and became effective May 24, 1990.

#### (ii) Additional Information

(A) Letter from the state dated November 30, 1990, pertaining to NO<sub>x</sub> rules and analysis which certifies that the material was adopted by the state on May 24, 1990.

[FR Doc. 91-5018 Filed 3-4-91; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 52]

[FRL-3909-5]

#### Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County Regulation 33 for Stack Height Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rulemaking.

**SUMMARY:** This notice approves a revision to the Albuquerque/Bernalillo County, State of New Mexico Implementation Plan (SIP) which includes (1) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) 33, Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986, and as revised on March 16, 1989; and (2) The Supplement to the State of New Mexico's SIP regarding stack heights in new source review (NSR) for permits issued in Bernalillo County, as adopted by the Albuquerque/Bernalillo County Air Quality Control Board on July 12, 1989. The Board in this Supplement committed to include specific caveat language for all affected permits issued in which dispersion credits have been an issue in the permit. AQCR 33 was submitted by the Governor of New Mexico to EPA on July 11, 1986, and April 14, 1989, and the July 12, 1989 Supplement to AQCR 33 was submitted by the Governor on August 7, 1989.

Each State was required to review its SIP for consistency with the final Federal stack height regulations. The intended effect of this action is to formally document that Albuquerque/Bernalillo County has satisfied the obligations under Section 406 of the Clean Air Act (CAA) to review its SIP

with respect to the EPA's revised stack height regulations and to finalize approval of the City/County's revised regulation.

**DATES:** This action will be effective (May 6, 1991) unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed timely notice will be published in the *Federal Register*.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs at the EPA Regional Office listed below. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-AP), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Albuquerque Environmental Health Department, The City of Albuquerque, One Civic Plaza Northwest, 5th and Marquette Street NW., P.O. Box 1293, Albuquerque, New Mexico 87103.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Sather, Planning Section (6T-AP), Air Programs Branch, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. Telephone (214) 655-7214, or (FTS) 255-7214.

**SUPPLEMENTARY INFORMATION:** On February 8, 1982 (47 FR 5864), EPA promulgated final regulations limiting stack height credits and other dispersion techniques as required by section 123 of the CAA. These regulations were challenged in the U.S. Court of Appeals for the D.C. Circuit in *Sierra Club v. EPA*, 719 F.2d 436. On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations, reversing certain portions and upholding other portions.

On February 28, 1984, the electric power industry filed a petition for a writ of certiorari with the U.S. Supreme Court. On July 2, 1984, the Supreme Court denied the petition (104 S.Ct. 3571), and on July 18, 1984, the Court of Appeals' mandate was formally issued, implementing the court's decision and requiring EPA to promulgate revisions to the stack height regulations within six months. The promulgation deadline was ultimately extended to June 27, 1985.

Revisions to the stack height regulations were proposed on November 9, 1984 (49 FR 44878), and finalized on July 8, 1985 (50 FR 27892). The revisions redefine a number of specific terms including "excessive concentration", "dispersion technique", "nearby" and modified some of the bases for determining good engineering practice (GEP) stack height. Pursuant to section 406(d) (2) of the CAA, all States were required to (1) Review and revise, as necessary, their SIPs to include provisions that limit stack height credits and dispersion techniques in accordance with the revised regulations and (2) review all existing emission limitations to determine whether any of these limitations have been affected by stack height credits above GEP or any other dispersion techniques. For any limitations so affected, States were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA within nine months of promulgation, as required by section 406 of the CAA.

The EPA's stack height regulations were challenged in *NRDC v. Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). On January 22, 1988, the U.S. Court of Appeals for the D.C. Circuit issued its decision affirming the regulations in large part, but remanding three provisions to the EPA for reconsideration. These are:

1. Grandfathering pre-October 11, 1983, within formula stack height increases from demonstration requirements (40 CFR 51.100(kk)(2));
2. Dispersion credit for sources originally designed and constructed with merged or multiflue stacks (40 CFR 51.100(hb)(2)(ii)(A)); and
3. Grandfathering pre-1979 use of the refined H + 1.5L formula (40 CFR 51.100(ii)(2)).

Although the EPA generally approves State's stack height rules on the grounds that they satisfy 40 CFR part 51, the EPA also provides notice that this action may be subject to modification when the EPA completes rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). If the EPA's response to the NRDC remand modifies the July 8, 1985, regulations, the EPA will notify Albuquerque/Bernalillo County that its rule must be changed to comport with the EPA's modified requirements. This may result in revised emission limitations or may affect other actions taken by Albuquerque/Bernalillo County and source owners or operators.

AQCR 33 is Albuquerque's/Bernalillo County's stack height regulation supporting its permitting and new source review program. Under this program,

Albuquerque/Bernalillo County will be issuing permits and establishing emission limitations that may be affected by the court-ordered reconsideration of the stack height regulations promulgated on July 8, 1985 (50 FR 27892). For this reason, the EPA has required that Albuquerque/Bernalillo County include the following caveat in all potentially affected permit approvals until the EPA completes its reconsideration of remanded portions of the regulations and promulgates any necessary revisions:

In approving this permit, the Albuquerque Environmental Health Department has determined that the application complies with the applicable provisions of the stack height regulations as revised by the EPA on July 8, 1985 (50 FR 27892). Portions of the regulations have been remanded by a panel of the U.S. Court of Appeals for the DC Circuit in *NRDC v. Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). Consequently, this permit may be subject to modification if and when the EPA revises the regulation in response to the court decision. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

The Albuquerque/Bernalillo County Air Quality Control Board made this enforceable commitment to include this caveat in all affected permits in the July 12, 1989 Supplement to AQCR 33. This Supplement is being incorporated into the Code of Federal Regulations for the State of New Mexico as part of today's approval action. The Supplement states that AQCR 33 limits dispersion credits that applicants may claim toward any demonstration supporting the issue of an air quality construction permit, whether issued pursuant to the general permitting regulation 20, the PSD regulation 29, or the Nonattainment regulation 32. The Supplement also states that AQCR 33 will be implemented so as to examine all regulated air contaminants and the source's proposed stack height credits or any other dispersion technique proposed from the same perspective as those required pursuant to the applicable portions of 40 CFR 51.100.

#### Plan Review

On July 11, 1986, and on April 14, 1989, the Governor of New Mexico submitted to EPA the Albuquerque/Bernalillo County AQCR 33, Stack Height Requirements, and on August 7, 1989, the Governor submitted to EPA the July 12, 1989 Supplement to AQCR 33. The EPA reviewed AQCR 33 and the Supplement to AQCR 33 and developed an Evaluation Report. This report is available for inspection by interested parties during normal business hours at

the offices listed in the addresses section of this notice. AQCR 33 will apply to all new or modified sources as required by 40 CFR 51.164. AQCR 33 also meets the requirements set out in 40 CFR 51.118(b) regarding stack height provisions as required by 40 CFR 51.164.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective May 6, 1991, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective May 6, 1991.

#### Final Action

The EPA is today approving (1) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) 33, Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986, and as revised on March 16, 1989; and (2) The Supplement to the State of New Mexico's SIP regarding stack heights in new source review (NSR) for permits issued in Bernalillo County, as adopted by the Albuquerque/Bernalillo County Air Quality Control Board on July 12, 1989. The Board in this Supplement committed to include specific caveat language for all affected permits issued in which dispersion credits have been an issue in the permit.

The EPA has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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

**Regulatory Process**

This action has been classified as a table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b) (1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 1991. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

**List of Subjects in 40 CFR Part 52**

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401-7642.

Note: Incorporation by reference of the SIP for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 19, 1991.

Robert E. Layton Jr.,  
Regional Administrator (6A).

40 CFR part 52, subpart GG, is amended as follows:

**PART 52—[AMENDED]****Subpart GG—New Mexico**

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1620 is amended by adding paragraph (c)(45) to read as follows:

**§ 52.1620 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(45) On July 11, 1986, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986. Further, on April 14, 1989, the Governor submitted revisions to AQCR

33, as filed with the State Records and Archives Center on March 16, 1989. In addition, on August 7, 1989, the Governor submitted a commitment found in the July 12, 1989 Supplement to AQCR 33 to include specific caveat language on all affected permits issued in which dispersion credits have been an issue in the permit. AQCR 33 enables Albuquerque/Bernalillo County to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height that exceeds CEP or by any other dispersion technique.

- (i) Incorporation by reference  
(A) Albuquerque/Bernalillo County Air Quality Control Regulation 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986, and as revised on March 16, 1989.
- (ii) Additional material  
(A) The Supplement to the State of New Mexico's SIP regarding stack heights in new source review (NSR) for permits issued in Bernalillo County, as adopted by the Albuquerque/Bernalillo County Air Quality Control Board on July 12, 1989. The Board in this Supplement committed to include specific caveat language for all affected permits issued in which dispersion credits have been an issue in the permit.

[FR Doc. 91-5017 Filed 3-4-91; 8:45 am]  
BILLING CODE 6560-50-M

**40 CFR Part 52**

[A-1-FRL-39099]

**Approval and Promulgation of Air Quality Implementation Plans; Vermont; Nitrogen Dioxide National Ambient Air Quality Standards and Prevention of Significant Deterioration Increments**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Vermont. These revisions establish National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO<sub>2</sub>) and incorporate Prevention of Significant Deterioration (PSD) NO<sub>2</sub> increments and related requirements. The intended effect of this action is to approve a program to implement the

NO<sub>2</sub> increments in the State of Vermont in accordance with 40 CFR 51.166 and to approve the NO<sub>2</sub> NAAQS which were adopted in accordance with 40 CFR 50.11. This action is being taken in accordance with section 110 of the Clean Air Act.

**EFFECTIVE DATE:** This rule will become effective on April 4, 1991.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Air Pollution Control Division, Agency of Natural Resources, Building 3 South, 103 South Main Street, Waterbury, VT 05676.

**FOR FURTHER INFORMATION CONTACT:** Cheryl A. Aloï, (617) 565-3252; FTS 835-3252.

**SUPPLEMENTARY INFORMATION:** On December 4, 1990 (55 FR 233), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Vermont. The NPR proposed approval of ambient air quality standards for NO<sub>2</sub> and a program to implement the NO<sub>2</sub> increments to prevent the significant deterioration of air quality in the State of Vermont, which Vermont submitted for parallel-processing on September 4, 1990. EPA's NPR required Vermont to make certain changes, which are discussed below. Vermont submitted the formal SIP revision, addressing EPA's requirements on December 7, 1990 and January 10, 1991.

**Background**

*I. NO<sub>2</sub> NAAQS.* Pursuant to section 109 of the Clean Air Act of 1970, EPA developed and promulgated NAAQS for NO<sub>2</sub>. Primary standards define levels of air quality which protect the public health, and secondary standards define levels which protect the public welfare from any adverse effects of a pollutant. The following NAAQS for NO<sub>2</sub>, described in 40 CFR 50.11, were published in the *Federal Register* on November 25, 1971 and were last revised on June 19, 1985 (50 FR 25544).

Primary Standard: 0.053 ppm annual arithmetic mean

Secondary Standard: 0.053 ppm annual arithmetic mean

*II. NO<sub>2</sub> Increments.* On October 17, 1988 (53 FR 40656), EPA promulgated regulations under section 166 of the Clean Air Act (the Act) to prevent

significant deterioration of air quality from emissions of nitrogen oxides (NO<sub>x</sub>). These regulations establish the maximum allowable increase in the ambient NO<sub>2</sub> concentration allowed above the baseline concentration in an area. These maximum allowable increases are called "increments." The increments use NO<sub>2</sub> as the numerical measure because NO<sub>2</sub> is the pollutant on which the NAAQS for NO<sub>x</sub> were based. In addition, NO<sub>x</sub> emissions from stationary sources convert to NO<sub>2</sub> in the atmosphere.

The NO<sub>2</sub> increment program has a three-tiered area classification system which was established by Congress in section 163 of the Act for increments of sulfur dioxide and particulate matter. Congress designated Class I areas (including certain national parks and wilderness areas) as areas of special national concern, where the need to prevent the significant deterioration in air quality is the greatest. Therefore, the increment levels in Class I areas are the most stringent. Class II increments allow for a moderate degree of growth. Class III increments allow for higher levels of industrial growth. There are no Class III areas in the country yet. (Originally, all areas not designated as Class I were designated as Class II, unless the State submitted an area to EPA for redesignation as a Class I or III area.)

The NO<sub>2</sub> increments for the three types of areas are the following:  
 Class I: 2.5 µg/m<sup>3</sup> annual arithmetic mean  
 Class II: 25 µg/m<sup>3</sup> annual arithmetic mean  
 Class III: 50 µg/m<sup>3</sup> annual arithmetic mean.

Forty CFR § 51.166 sets forth the minimum federal requirements for the PSD program. State PSD programs must meet all of these requirements. The effective date of the amendments to 40 CFR § 51.166 which incorporate the NO<sub>2</sub> increments was October 17, 1989.

#### Summary of Vermont's SIP Revision

The State submitted formal revisions to the Vermont Air Pollution Control Regulations which became effective in the State on December 15, 1990. Vermont made changes to section 5-301 "Scope," section 5-309 "NO<sub>2</sub> Primary and Secondary Ambient Air Quality Standards," and Table 2 "PSD Increments." In addition, the State amended its New Source Review (NSR) SIP narrative entitled "State of Vermont Air Quality Implementation Plan." EPA has prepared a memorandum dated February 13, 1991 entitled "Technical Support Document—Vermont Prevention of Significant Deterioration

NO<sub>2</sub> Increment Regulations and NO<sub>2</sub> National Ambient Air Quality Standards" which includes a detailed analysis of this SIP action.

EPA proposed to approve minor changes to section 5-104 "Definitions," in the NPR published on December 4, 1990 (55 FR 233). However, these changes were not submitted with the final submittal for the adoption of NO<sub>2</sub> NAAQS and PSD NO<sub>2</sub> increments. Since these changes are not related to the adoption of NO<sub>2</sub> NAAQS and PSD increments, they were included with the final submittal for the establishment of PM<sub>10</sub> standards and will be discussed in a Federal Register notice which will be published at a later date.

#### Changes Since Proposed Rulemaking

EPA proposed approval of these SIP revisions on December 4, 1990 (55 FR 233) with the understanding that Vermont would make some necessary changes prior to final rulemaking. Vermont's formal SIP submittal included the changes required in the NPR. The ANR amended the reference method by which compliance with the NO<sub>2</sub> standards is measured to make it consistent with that stated in 40 CFR 50.11. The ANR also amended its NSR narrative to clarify the minor source and major source baseline dates for NO<sub>2</sub>. In addition, the ANR committed to develop a NO<sub>x</sub> emissions inventory and determine increment consumption for the transition period between February 8, 1988 and December 15, 1990, the effective date of Vermont's regulations. Finally, the ANR committed to correct an increment violation within 60 days in accordance with 40 CFR 51.166(a)(3).

Other specific requirements for the State's implementation of the NO<sub>2</sub> NAAQS and PSD increments and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

#### Final Action

EPA is approving changes to section 5-301 "Scope," section 5-309 "NO<sub>2</sub> Primary and Secondary Ambient Air Quality Standards," and Table 2 "PSD Increments" of the Vermont Air Pollution Control Regulations as a revision to the Vermont SIP. In addition, EPA is approving the changes to the new source review narrative entitled "State of Vermont Air Quality Implementation Plan."

EPA has reviewed the revisions of this notice for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990, and EPA has determined that this action is approvable. The revisions were

not designed to include all of the new PSD and visibility requirements of the Amendments if any, however, they strengthen the NO<sub>2</sub> NAAQS and PSD increment requirements in Vermont's existing SIP and conform to all of EPA's current regulations.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 1991. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Vermont was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 5, 1991.

Paul G. Keough,

Acting Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

##### Subpart UU—Vermont

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

Authority: 42 U.S.C. 7401-7642.



2. Section 52.2370 is amended by adding paragraph (c)(20) to read as follows:

§ 52.2370 Identification of plan.

(c) \* \* \*  
 (20) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on December 7, 1990 and January 10, 1991.

(i) Incorporation by reference  
 (A) Letter dated December 7, 1990 and letter with attachments dated

January 10, 1991 from the Vermont Air Pollution Control Division submitting revisions to the Vermont State Implementation Plan.

(B) Section 5-301 "Scope," section 5-309 "Nitrogen Dioxide—Primary and Secondary Ambient Air Quality Standards," and Table 2 "Prevention of Significant Deterioration (PSD) Increments," of Chapter 5 "Air Pollution Control" of Vermont's Environmental Protection Regulations effective in the State of Vermont on December 15, 1990.

(ii) Additional materials

(A) A state implementation plan narrative dated November, 1990 and entitled "State of Vermont Air Quality Implementation Plan.

(B) Nonregulatory portions of the state submittal.

3. Table 52.2381 is amended by adding the following entries to the end of the listing for "5-301" and "Table 2—PSD increments" and adding a new state citation "Section 5-309" in numerical order.

§ 52.2381 EPA-approved Vermont State regulations.

TABLE 52.2381—EPA-Approved Rules and Regulations

State citation, title and subject	Date adopted by State	Date approved by EPA	Federal Register citation	Section 52.2370	Comments and unapproved sections
Subchapter III Ambient Air Quality Stds Section 5-301 Scope.....	12/15/90	3/5/91	[FR citation from published date].....	(c)(20).....	
Section 5-309 Nitrogen dioxide primary/ secondary.....	12/15/90	3/5/91	[FR citation from published date].....	(c)(20).....	
Table 2—PSD increments.....	12/15/90	3/5/91	[FR citation from published date].....	(c)(20).....	Addition of NO <sub>x</sub> increments for Class I, II, and III areas.

[FR Doc. 91-5019 Filed 3-4-91; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[AD-FRL-3910-2]

**New Source Performance Standards; Standards Of Performance For Polypropylene Polyethylene, Polystyrene, And Poly(ethylene Terephthalate) Manufacturing Industry**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; Correction.

**SUMMARY:** This notice corrects errors and makes clarifications in the regulatory text of the final Standards of Performance for Polypropylene, Polyethylene, Polystyrene, and Poly(ethylene terephthalate) Manufacturing Industry which appeared in the Federal Register on December 11, 1990 (55 FR 51010).

**EFFECTIVE DATE:** March 4, 1991.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Sims Roy at (919) 541-5263, Standards Development Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** On December 11, 1990 (55 FR 51010), EPA promulgated regulations limiting volatile organic compound (VOC) emissions from new, modified, and reconstructed process sections at polypropylene, polyethylene, polystyrene, and poly(ethylene terephthalate) plants. A few corrections to these standards are being made by this notice.

Most of the corrections are minor editorial adjustments involving the addition of an article (i.e., a or the) and the addition or deletion of an "s" to make a word plural or singular. In addition to the minor editorial adjustments, several word changes or additions have been made for clarity or consistency.

The major corrections and changes are:

1. In Table 3, on page 51041, a reference to footnote b was left out in the column titled "Control/no control criteria." This has been inserted.
2. On page 51044, column 2, line 5, the word "less" should have been "greater" so that the complete sentence now reads:  
 If the inlet stream's TOC concentration is equal to or greater than 20 weight percent, the calculated threshold emissions level is 18.2 Mg/yr.
3. On page 51051, column 1, the third line from the bottom contains an

extraneous "14-day", which may confuse the meaning of the sentence. The revised sentence now reads in its entirety as follows:

If the average concentration obtained over the 14-day sampling during the reduced test period exceeds the upper 95 percent confidence interval calculated from the most recent test results in which no one 14-day average exceeded 1.8 weight percent ethylene glycol, then the owner or operator shall reinstitute a daily sampling program.

4. The last sentence in paragraph (c)(2)(ii) of § 60.565 on page 51052, column 3, contains the phrase "of the device." This is somewhat ambiguous in its meaning and has been replaced with "across the catalyst bed." The entire sentence now reads as follows (underlined portion shows the change):

The owner or operator also shall record all 3-hour periods of operation during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which compliance was demonstrated.

5. On page 51053, column 1, there are four spots at which the phrase "at which compliance was demonstrated" needs to be inserted to clarify which performance tests are to be used for establishing parameter boundaries.

Dated: February 22, 1991.

Michael Shapiro,  
Acting Assistant Administrator for Air and  
Radiation.

The following corrections are being made in FRL-3752-2; Standards of Performance for New Stationary Sources; Polypropylene, Polyethylene, Polystyrene, and Poly(ethylene terephthalate) Manufacturing Industry published in the Federal Register on December 11, 1990 (55 FR 51010).

**§ 60.561 [Corrected]**

1. On page 51038, column 2, line 7, (§ 60.561, definition of "Continuous process") add the word "a" to the end of the line so that the line now reads "Continuous process means a".

**§ 60.561 [Corrected]**

2. On page 51038, column 3, line 54, (§ 60.561, definition of "Gas phase process") change the word "process" to "reaction", so that the line now reads "polymerization reaction is carried out in".

**§ 60.561 [Corrected]**

3. On page 51039, column 3, line 5, (§ 60.561, definition of "Poly(ethylene terephthalate) (PET) manufacture using dimethyl terephthalic") add the word "form" so that the line now reads "polymerized to form PET."

**§ 60.561 [Corrected]**

4. On page 51040, column 2, (§ 60.561, definition of "Product finishing section") add the word "the" to the end of the 7th line, so that the line now reads "finished product that are located after the".

**§ 60.562-1 [Corrected]**

5. On page 51041, column 1, line 14, (§ 60.562-1(a)(1)(i)(A)) change the word "millions" to "million."

**§ 60.562-1 [Corrected]**

6. On page 51041, (§ 60.562-1(a)(1)(ii)) Table 3, in the column headed "Control/no control criteria", the first item associated with the 5.5 < 20 applicable TOC weight percent range is revised to read as follows: "1. If total combined uncontrolled emissions are equal to or greater than CTE<sup>b</sup>, control."

**§ 60.562-1 [Corrected]**

7. Footnote a to Table 3 (§ 60.562-1(a)(1)(ii)) on page 51041 is amended by removing the word "paragraph" in the first line of the footnote.

**§ 60.562-1 [Corrected]**

8. On page 51044, column 2, (§ 60.562-1(a)(1)(iii) introductory text) the sentence that begins "If the inlet stream's TOC concentration \* \* \*" is revised to read as follows: "If the inlet

stream's TOC concentration is equal to or greater than 20 weight percent, the calculated threshold emissions level is 18.2 Mg/yr."

**§ 60.562-1 [Corrected]**

9. On page 51046, column 3, line 8, (§ 60.562-1(c) introductory text) add the word "the" after "with" and before "provisions".

**§ 60.562-1 [Corrected]**

10. On page 51046, column 3, (§ 60.562-1(c)(1)(i)(B)) add the word "stream" to the end of line 26 so that the line now reads "(B) Not allow the outlet gas stream".

**§ 60.564 [Corrected]**

11. On page 51050, column 1, line 25, (§ 60.564(e)(1)) change "emission" to "emissions".

**§ 60.564 [Corrected]**

12. On page 51051, column 1, (§ 60.564(j)(1)(iii)) the third line from the bottom is revised so that the line now reads "test results in which no one 14-".

**§ 60.565 [Corrected]**

13. On page 51051, column 3, line 53, (§ 60.565(a)(3)(i)) change "determination" to "determinations".

**§ 60.565 [Corrected]**

14. On page 51052, column 3, line 14 (§ 60.565(c)(2)(ii)) change "temperature difference of the device" to "temperature difference across the catalyst bed".

**§ 60.565 [Corrected]**

15. On page 51052, column 3, 10th line from the bottom, (§ 60.565(e)(2)) change "operations" to "operation".

**§ 60.565 [Corrected]**

16. In paragraph (f)(1)(i) of § 60.565 on page 51053, column 1, line 19, change "recent performance test, and" to "recent performance test at which compliance was demonstrated are exceeded, and".

**§ 60.565 [Corrected]**

17. In paragraph (f)(1)(ii) of § 60.565 on page 51053, column 1, line 26, change "performance test (unless monitoring of" to "performance test at which compliance was demonstrated (unless monitoring of".

**§ 60.565 [Corrected]**

18. In paragraph (f)(2) of § 60.565 on page 51053, column 1, line 40, change "recent performance test." to "recent performance test at which compliance was demonstrated."

**§ 60.565 [Corrected]**

19. In paragraph (f)(3) of § 60.565 on page 51053, column 1, line 49, change "during the most recent performance test." to "during the most recent performance test at which compliance was demonstrated."

**§ 60.565 [Corrected]**

20. On page 51053, column 2, line 10; (§ 60.565(h) introductory text) change "increase" to "increases".

[FR Doc. 91-4889 Filed 3-4-91; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 228**

[FRL-3911-5]

**Ocean Dumping; Site Modification**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA today modifies the designation of an Ocean Dredged Material Disposal Site (ODMDS) in the Atlantic Ocean offshore Charleston, South Carolina. This modification is the alteration of the restrictions for the Charleston Harbor Deepening Project ODMDS. This action is necessary to provide an environmentally acceptable ocean disposal site for projects other than the Charleston Harbor Deepening Project.

**EFFECTIVE DATE:** This modification shall become effective on April 4, 1991.

**FOR FURTHER INFORMATION CONTACT:** Gary W. Collins, 404/347-2126 or FTS 257-2126.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401 *et seq.*, gives the Administrator of EPA the authority to designate sites where ocean disposal may be permitted. On December 23, 1986, the Administrator delegated the authority to the Regional Administrator of the Region in which sites are located. The EPA Ocean Dumping Regulations promulgated under MPRSA (40 CFR chapter I, subchapter H, § 228.11) state that use of disposal sites may be modified.

The Charleston Harbor Deepening Project site was designated on August 3, 1987 along with the smaller Charleston ODMDS. A decision to designate a small site for permanent use at Charleston was based on projected future disposal volumes and the ease of monitoring. The

larger Harbor Deepening Project site, which was the interim site, was designated for a seven-year period and restricted to use for Harbor Deepening material only. The smaller, permanent Charleston ODMDS lies within the boundaries of, and completely in the western portion of, the larger Charleston Harbor Deepening Project ODMDS. The sites are defined by the following coordinates:

*Charleston Harbor Deepening Project ODMDS*

32°38'06" N, 79°41'57" W;  
32°40'42" N, 79°47'30" W;  
32°39'04" N, 79°49'21" W;  
32°36'28" N, 79°43'48" W.

*Charleston ODMDS*

32°40'27" N, 79°47'22" W;  
32°39'04" N, 79°44'25" W;  
32°38'07" N, 79°45'03" W;  
32°39'30" N, 79°48'00" W.

Recent on-site investigations have revealed the presence of significant live bottom resources within and around both Charleston ODMDSs. These resources are located primarily in the western half of the smaller site and along the southern boundary of the larger site. While the effects of burial by dredged material disposal are apparent, the effects of nearby disposal (particularly of fine material) on these resources are yet to be determined. Ongoing studies are being conducted to determine whether recently disposed fine materials are impacting these resources. Until these studies are complete, further disposal of all fine material will be limited to the eastern portion of the Charleston Harbor Deepening Project ODMDS to prevent interference with these studies and to minimize further potential impacts.

The need to limit disposal of fines to the eastern half of the Charleston Harbor Deepening Project ODMDS and the restrictions on use of this area (only Harbor Deepening Project material) have effectively eliminated the only ocean disposal alternative to all other dredging projects in the Charleston area. Modification of its designation would make the Charleston Harbor Deepening Project ODMDS available for use by these other entities.

**EIS Determination**

EPA has voluntarily committed to prepare Environmental Impact Statements (EIS) in connection with the designation of ocean disposal sites (39 FR 16186 (May 7, 1974)). The need for an EIS in the case of modifications is addressed in 39 FR 37420 (October 21, 1974), section 1(a)(4). If the change is judged sufficiently substantial by the responsible official, an EIS is needed.

The type and nature of material that would be allowed by this action is not significantly different from that which was authorized by the Harbor Deepening Project. The Harbor Deepening Project includes not only coarse-grained new work material, but also fine-grained new work material and overlying maintenance material. The primary effects of this action are (1) increased amounts of material into this larger site, (2) increased sources of material, and (3) increased number of site users. However, these increases are basically just the relocation of materials that were targeted for ocean disposal into the smaller site. EPA believes the effects of this action do not warrant the preparation of an Environmental Impact Statement (EIS).

Once studies are complete, EPA will dedesignate the smaller Charleston ODMDS and redefine the boundaries of the Charleston Harbor Deepening Project ODMDS through further rulemaking. Such measures would remove all disposal activities from the immediate vicinity of the significant resources and reduce the potential for adverse impacts. However, taking such measures before all studies are complete is considered by EPA to be premature and ill-advised. EPA's major concern at this time is to provide an environmentally feasible ocean disposal site for all dredging parties.

**Site Modification**

The site modification for the Charleston Harbor Deepening Project ODMDS is the alteration of the restriction on site use. The present restriction on site use is the limitation on disposal to dredged material from the Charleston Harbor Deepening Project. EPA now changes the restriction to disposal of dredged material from the greater Charleston area and to limit, for the time being, the geographic area within which fine materials can be disposed. Fine materials are defined as those containing greater than 10% materials, by dry weight, with a grain size of less than 0.074 mm. Once the studies on the resources are complete, additional areas within the larger site may be available for disposal of certain types of dredged material.

The Proposed Rule for this action was published on November 29, 1990 (55 FR 49540 November 29, 1990). The only comments received were from the Charleston District of the U.S. Army Corps of Engineers. The District is supportive of this action. The language concerning the restrictions on this site is different from that of the Proposed Rule. This change, which was coordinated with the District, is to clarify which

materials are restricted based on physical characteristics. This change does not change the intent of the restrictions.

**Regulatory Assessments**

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules that may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the modification will only have the effect of providing an environmentally acceptable disposal option for dredged material from non-Harbor Deepening projects. Consequently, this Rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this Rule does not necessitate preparation of a Regulatory Impact Analysis.

This Final Rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 40 CFR Part 228**

Water pollution control.

Dated: February 7, 1991.

Approved by

Patrick M. Tobin,

Deputy Regional Administrator.

In consideration of the foregoing, part 228, subchapter H of chapter I of title 40 is amended as set forth below.

**PART 228—[AMENDED]**

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by revising in paragraph (b)(26) the "Restriction." Paragraph to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

\* \* \* \* \*  
(b) \* \* \*  
(26) \* \* \*

Restriction: Disposal shall be limited to dredged material from the Charleston

Harbor area. All dredged material, except entrance channel materials, shall be limited to that part of the site east of the line between coordinates 32°39'04"N, 79°44'25"W and 32°37'24"N, 79°45'30"W unless the materials can be shown by sufficient testing to contain 10% or less of fine material (grain size of less than 0.074 mm) by weight and shown to be suitable for ocean disposal.

\* \* \* \* \*  
 [FR Doc. 91-5153 Filed 3-4-91; 8:45 am]  
 BILLING CODE 6560-50-M

## OFFICE OF PERSONNEL MANAGEMENT

### 45 CFR Part 801

#### Voting Rights Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule with request for comments.

**SUMMARY:** The Office of Personnel Management (OPM) is establishing a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution.

**DATES:** This rule is effective February 26, 1991. In view of the need for its publication without an opportunity for prior comment, comments will still be considered. To be timely, comments must be received on or before April 4, 1991.

**ADDRESS:** Send or deliver comments to Mary Rodriguez, Attorney, Office of Personnel Management, room 7555, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Mary Rodriguez, (202) 606-1701.

**SUPPLEMENTARY INFORMATION:** The Attorney General has designated Yuma County, Arizona, as an additional examination point under the provisions of the Voting Rights Act of 1965, as amended. He determined on February 21, 1991, that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, OPM will appoint Federal Examiners to review the qualifications of applicants to be registered to vote and Federal Observers to observe local elections.

Under section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Under section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in view of the pending election to be held in the subject county, where Federal observers will observe the election under the authority of the Voting Rights Act of 1965, as amended.

### E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it adds one new location to the list of counties in the regulations concerning OPM's responsibilities under the Voting Rights Act.

#### List of Subjects in 45 CFR Part 801

Administrative practice and procedure, Voting rights.  
 U.S. Office of Personnel Management.  
 Constance Berry Newman,  
 Director.

Accordingly, OPM is amending 45 CFR part 801 as follows:

### PART 801—VOTING RIGHTS PROGRAM

1. The authority citation for part 801 continues to read as follows:

**Authority:** 5 U.S.C. 1103; 7, 9, 79, Stat. 440, 411 (42 U.S.C. §§ 1973e, 1973g).

2. Appendix A to part 801 is amended by adding alphabetically the Arizona County of Yuma to read as follows:

#### Appendix A

\* \* \* \* \*

#### Arizona

County, Place for filing: Beginning date.

\* \* \* \* \*

Yuma; U.S. Border Station, Highway 95, International Borderline, San Luis, Arizona, 85349; (602) 627-2016; February 26, 1991.

\* \* \* \* \*

[FR Doc. 91-5128 Filed 3-4-91; 8:45 am]

BILLING CODE 6325-01-M

# Proposed Rules

Federal Register

Vol. 56, No. 43

Tuesday, March 5, 1991

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.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 581

#### Processing Garnishment Orders for Child Support and/or Alimony

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management proposes an amendment to the regulations in 5 CFR part 581 concerning the processing of garnishment orders for child support and/or alimony. There has been litigation in which a Federal employee obligor, relying on an OPM regulation, asserted that a garnishment action was invalid because the legal process did not expressly name the obligor's employing agency as the garnishee. *Millard v. United States*, 918 F.2d 1 (Fed. Cir. 1990). While the court rejected the obligor's argument, OPM proposes to clarify the regulation in question, 5 CFR 581.202(a), in order to make it absolutely clear that the Governmental entity need not be expressly named as the garnishee and thereby avoid any future litigation on this issue.

**DATES:** Comments should be received by April 4, 1991.

**ADDRESSES:** Send or deliver comments and/or designated agent information, including new WITS telephone number(s), to Jaime Ramon, General Counsel, Office of Personnel Management, room 7355, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:**  
Murray M. Meeker, (202) 606-1960.

**SUPPLEMENTARY INFORMATION:** Governmental entities are urged to review the current list of designated agents, appendix A to part 581 (55 FR 1354, January 16, 1990), to ensure that their listing is correct. All entities that have joined the Washington Interagency Telecommunications System (WITS)

will need to advise OPM of their new telephone number(s).

#### E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that these regulations will not have significant economic impact on a substantial number of small entities because their effects are limited primarily to Federal employees.

#### List of Subjects in 5 CFR Part 581

Alimony, Child welfare, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Berry Newman,  
Director.

Accordingly, OPM is amending 5 CFR part 581 as follows:

#### PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

1. The authority citation for part 581 continues to read as follows:

Authority: 42 U.S.C. 659, 661-662; 15 U.S.C. 1673; 5 U.S.C. 8437; E.O. 12105.

2. In § 581.202, paragraph (a) is revised to read as follows:

##### § 581.202 Service of process.

(a) A party using this part shall serve legal process on the designated agent of the Governmental entity which has moneys due and payable to the obligor. Where the purpose of the legal process is to compel a Governmental entity which holds moneys which are otherwise payable to an individual, to make a payment from such moneys in order to satisfy a legal obligation of such individual to provide child support or make alimony payments, and where the legal process is clearly directed to said Governmental entity, the legal process need not expressly name the Governmental entity as the garnishee.

3. In § 581.306, paragraph (c) is revised to read as follows:

##### § 581.306 Service of process.

(c) Instances where an employee obligor separates from his/her employment with a Governmental entity which is presently honoring a continuing

legal process, the entity shall inform the party's representative, and the court, or other authority, that the payments are being discontinued. In cases where the obligor has a Thrift Savings Fund account, or has retired, or has separated and requested a refund of retirement contributions, or transferred, or is receiving benefits under the Federal Employee's Compensation Act, and where this information is known by the entity, the entity shall provide the party with the designated agent for the new disbursing Governmental entity.

[FR Doc. 91-5129 Filed 3-4-91; 8:45 am]

BILLING CODE 6325-01-M

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1700

#### Requirements for the Special Packaging of Household Substances; Extension of Comment Period for Proposed Rule and Request for Comment

**AGENCY:** Consumer Product Safety  
Commission.

**ACTION:** Extension of comment period  
and request for comment.

**SUMMARY:** On October 5, 1990, the Commission proposed to amend its requirements under the Poison Prevention Packaging Act of 1970, as amended, for child-resistant packaging (55 FR 40856). These amendments would change the child and adult test under which child-resistant packaging is evaluated. In this notice, the date by which public comments should be received on these proposed amendments is extended to July 1, 1991. An opportunity for the oral presentation of comments will be scheduled after that date.

This notice also solicits comment on a change to the adult test protocol that was suggested during the original comment period, which ended on January 3, 1991.

**DATES:** Written comments are due no later than July 1, 1991.

**ADDRESSES:** Written comments and data should be mailed to comment CPI-91, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207 or delivered to

room 420, 5401 Westbard Avenue, Bethesda, MD 20816.

**FOR FURTHER INFORMATION CONTACT:** Ms. Virginia White, Project Manager, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6470.

**SUPPLEMENTARY INFORMATION:**

**Extension of Comment Period**

In the Federal Register of October 5, 1990, the Commission proposed to amend its requirements under the Poison Prevention Packaging Act of 1970, as amended, for child-resistant packaging of certain household substances. The current regulations provide that a package design must be capable of resisting opening by 85 percent of a panel of 200 children after a five-minute test and by 80 percent of the panel after an additional five-minute test. The package must also be able to be opened and, if appropriate, properly closed within five minutes by 90 percent of a panel of 100-persons of ages from 18-45 years.

Because some persons, especially older persons, find certain types of child-resistant packaging difficult to open and resecure properly, a number of people either purposely purchase products in packages that are not child-resistant or do not properly resecure the package after opening it initially. The Commission concludes that if these difficult-to-use packages were replaced with packages that are easier to use, more people would purchase and properly use child-resistant packaging, with a reduction in the number of poisonings of children. In order to accomplish this goal, the Commission proposed to substitute a panel of 100 older adults, ages from 60-75 years, for the current panel of 18-45 year-olds. The Commission believes that substituting a panel of older adults, who as a group are less able to open child-resistant packaging, will exclude the more difficult-to-use designs that now can pass the test with the younger panel. In addition, the Commission proposed to reduce the time provided for the adults to open and, if appropriate, properly resecure the packages from five minutes to one minute. In order to allow the use of new packaging designs that are unfamiliar, the proposed one-minute opening/resecuring test would be preceded by a 30-second period that the test subject can use to become familiar with how the package operates. In the event the Commission concludes that it is not feasible to substitute a panel of 60-75 year-olds for the present panel of 18-45 year-olds, the Commission

proposed to reduce the time allowed for the 18-45 year-olds to 30 seconds, preceded by a 30-second familiarization period.

Other proposed amendments are intended to simplify the current test procedures, without reducing the ability of the test to determine child-resistance. These amendments include testing for child resistance by using sequential groups of 50 children, until a statistically valid determination of whether the package is child-resistant is obtained, or until the current number of children tested, 200, is reached. Also, the Commission proposed to use 3 age groups, of 42-44, 45-48, and 49-51 months, with 30, 40, and 30 percent of the children in each age group, respectively, instead of the current 10 age groups between 42 and 51 months.

The remaining proposed amendments are intended to ensure that the test protocol produces more consistent results. These amendments are: To add a procedure for determining whether the package has been secured adequately by the adults; to limit the number of subjects that could be tested by any one tester to no more than 30 percent of the children or 35 percent of the adults; to limit the number of subjects that could be tested at any one site to 20 percent of the children and 35 percent of the adults; and to issue guidelines for standardized instructions to be used when testing.

The proposal specified that written comments would be received until January 3, 1991, and oral comments were received by the Commission on December 5, 1990. The written and oral comments included several requests that the comment period be extended for periods up to 180 days. The requests stated that the testing and evaluations needed to respond to the proposal required the additional time. Some requests also asked for a second opportunity to submit oral comments at the end of the extended period for submitting written comments.

The Commission considered these requests and granted an extension of 180 days, until July 1, 1991. After that date, a second opportunity for presenting oral comments will be scheduled.

**Request for Comment**

During the original comment period, a suggestion was received for a variation of the adult test that had not been discussed specifically in the proposal. In the proposal, the Commission indicated that it was considering shortening the present five-minute test time for the adult panel to one minute, but providing a 30-second period prior to the test that the test subject would use to become

familiar with how to open the package. Perritt Laboratories suggested that the proposed 30-second familiarization period be extended to five minutes and that the test subject must be able to open the package during that time. The subjects who are successful in opening the package during the familiarization period would then be tested to see if they could then open and resecure the package within one minute. Subjects would have to be successful in both time periods in order for the package to pass the adult test. The commenter suggested that the longer familiarization period would allow time for test subjects to learn how to operate unfamiliar designs. The Commission preliminarily concludes that this suggestion may have merit and requests comment on it.

Dated: February 28, 1991.

Sadye E. Dunn,

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 91-5143 Filed 3-4-91; 8:45 am]

BILLING CODE 6355-01-M

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**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 301**

[IA-34-90]

RIN 1545-AP42

**Disclosures of Return Information to the Bureau of the Census**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** In the Rules and Regulations portion of this issue of the *Federal Register*, the Internal Revenue Service is issuing temporary regulations (T.D. 8336) relating to the disclosure of additional items of return information to the Bureau of the Census for use in certain statistical programs. The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

**DATES:** Written comments and requests for a public hearing must be received by May 6, 1991.

**ADDRESSES:** Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC: CORP:T:R (IA-34-90), room 4429, Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:**  
Paul W. Winkler, (202) 506-4430 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The temporary regulations (T.D. 8336) that appear in the Rules and Regulations portion of this issue of the Federal Register amend part 301 of title 28 of the Code of Federal Regulations to provide rules under section 6103 of the Internal Revenue Code of 1986, relating to the disclosure of return information. This document proposes to adopt those temporary regulations as final regulations; accordingly, the text of the temporary regulations serves as the comment document for this notice of proposed rulemaking. In addition, the preamble to the temporary regulations provides a discussion of the regulations.

**Special Analyses**

It has been determined that these proposed regulations are not major rules and defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these proposed regulations, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these proposed regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

**Comments and Requests for Public Hearing**

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be held upon written request by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

**Drafting Information**

The principal author of these regulations is Paul W. Winkler of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing

these regulations on matters of both substance and style.

Fred T. Goldberg, Jr.,  
Commissioner of Internal Revenue.  
[FR Doc. 91-4948 Filed 3-4-91; 8:45 am]  
BILLING CODE 4830-01-M

**DEPARTMENT OF LABOR**

**Employment Standards  
Administration, Wage and Hour  
Division**

**29 CFR Parts 516 and 778**

**Records To Be Kept by Employers;  
Overtime Compensation**

**RIN 1215-AA54**

**AGENCY:** Wage and Hour Division, Employment Standards Administration, Labor.

**ACTION:** Notice of proposed rulemaking; request for comments.

**SUMMARY:** This document contains proposed regulations for implementing the maximum hours exemption under the Fair Labor Standards Amendments of 1989 for certain employees who receive remedial education under specified conditions. Under the terms of the statute, employees who lack a high school diploma or whose educational attainment is below the eighth grade level can be required to spend up to ten hours in a workweek engaged in remedial reading or training in other basic skills without receiving time and one-half overtime pay for these hours. However, the employees must receive their normal, regular rate of pay for these hours and the training must not be job-specific. Minor revisions to existing regulations on overtime compensation and recordkeeping are being proposed to conform to these provisions of the 1989 Amendments. Final regulations will be issued following review of the public comments received.

**DATES:** Comments are due on or before May 6, 1991.

**ADDRESSES:** Submit written comments (preferably in triplicate) to John R. Fraser, Acting Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Pugh, Assistant Administrator, Office of Policy, Planning and Review, Wage and Hour Division, U.S. Department of Labor, room S-3503,

200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-5409. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

The proposed rules contain recordkeeping requirements subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511), which have been submitted to the Office of Management and Budget (OMB) for review. These requirements are not effective until OMB approval has been obtained. The changes proposed to 29 CFR part 516 would require those employers who choose to avail themselves of the remedial education exemption to maintain time records for the periods in which their employees are engaged in such activities, and payroll records reflecting payments at the employees' regular rates of pay for the time so spent. These requirements essentially restate the time and pay records customarily required under 29 CFR 516.2(a)(6)-(9) and 516.6(a)(1), and are the minimum necessary for determining compliance with the statutory provisions. The recordkeeping burden imposed by new requirements over and above the requirements already in place or those imposed by usual or customary business practices is estimated as one minute per week, per affected employee. The FLSA information collection requirements currently in effect have been approved by the Office of Management and Budget under OMB control number 1215-0017.

Public reporting and recordkeeping burdens for this new proposed collection of information are estimated to average as follows: one minute 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management, U.S. Department of Labor, room N-1301, 200 Constitution Avenue NW., Washington, DC 20210; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

**Background**

Employees who are subject to the overtime provisions of the Fair Labor Standards Act (FLSA) ordinarily must be paid one and one-half times their regular rate of pay for all hours worked over 40 in each workweek. The Fair

Labor Standards Amendments of 1989, Public Law 101-157 (103 Stat. 938), were enacted on November 17, 1989. These amendments changed certain provisions of the FLSA concerning coverage, various exemptions, and the tip credit, raised the minimum wage, added penalties for violations of the minimum wage and overtime compensation requirements, and added a new training wage provision. Section 7 of the amendments allows employers to provide for up to ten hours per week of remedial education to certain employees, whether voluntarily undertaken by the employee or required by the employer as a condition of employment, without compensation at the time-and-one-half overtime rate set forth in FLSA section 7(a). The applicability of this exemption is limited to only those employees who lack a high school diploma or whose reading level or basic skills are at or below the eighth grade level. Further, to qualify for the exemption, the employer-provided remedial education must be designed to provide these basic skills and may not include job-specific training. Consistent with the legislative history and intent, the regulations would also permit an employer to provide training designed to fulfill the requirements for a high school diploma (or General Educational Development certificate).

As described by its legislative history (H.R. Rept. 101-260, 101st Cong., 1st Sess., p. 25 (1989)), this exemption is intended to encourage employers to provide remedial education to employees who may lack the educational background necessary for many of today's jobs, as well as for the jobs of the future. Such an arrangement would benefit workers as well as employers, and contribute to a stronger and more competitive economy. To be of maximum benefit, the remedial education must be conducted during discrete periods of time set aside for such a program, and, to the maximum extent practicable, away from the employee's normal work station. It should also be noted that while employers are not required to pay the time-and-one-half overtime premium for hours in which the employee is engaged in remedial education activities, employees must receive compensation at their regular rate of pay for the time spent in such activities. In addition, when scheduling the provision of remedial education to individual workers they employ, employers are encouraged to adopt flexible workplace policies that will allow workers to balance their job responsibilities with the need to respond to their individual

family responsibilities in ways that make work and family life compatible.

#### Executive Order 12291

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is 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) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

The Department seeks information on the extent to which the exemption provided by section 7(q) of the Act will be utilized by employers. Therefore, commenters are asked to furnish any data available on the anticipated use of the exemption, including data on numbers of establishments and employees.

#### Regulatory Flexibility Act

The proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. This conclusion is based on all information presently available to the Department. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. The proposed revisions would only affect employers who choose to avail themselves of the exemption from overtime pay for employees receiving remedial education under the terms of the Fair Labor Standards Amendments of 1989, and should not result in any significant economic impact in any case.

#### Summary of Rule

Pursuant to section 7(q) of the Act, an employer may require that an employee spend up to 10 hours in the aggregate in any workweek in remedial education without payment of overtime compensation provided that: (1) The employee lacks a high school diploma or educational attainment at the eighth-grade level; (2) the remedial education is designed to provide reading and other basic skills at an eighth-grade level or below, or to fulfill the requirements for a high school diploma (or General Educational Development (GED) certificate); and (3) the remedial education does not include job-specific training. Employees must be

compensated at their regular rate of pay for the time spent receiving such remedial education.

A new § 516.34 if proposed to be added to 29 CFR part 516 that describes the records that must be maintained and preserved in order to demonstrate compliance with the requirements of the exemption. Employers would be required to keep records of the hours employees spend in remedial education and the amounts paid for the time so spent. A new § 778.603 is proposed to be added to subpart G of 29 CFR part 778 to explain the conditions applicable to the exemption and otherwise describe the statutory terms.

This document was prepared under the direction and control of John R. Fraser, Acting Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

#### List of Subjects

##### 29 CFR Part 516

Minimum wage, Reporting and recordkeeping requirements.

##### 29 CFR Part 778

Hours of work, Overtime pay, Salaries, Wages.

For the reasons set forth above, parts 516 and 778 of title 29 of the Code of Federal Regulations are proposed to be amended as set forth below.

Signed at Washington, DC, on this 28th day of February 1991.

Lynn Martin,

*Secretary of Labor.*

Samuel D. Walker,

*Acting Assistant Secretary for Employment Standards.*

John R. Fraser,

*Acting Administrator, Wage and Hour Division.*

#### PART 516—RECORDS TO BE KEPT BY EMPLOYERS

1. The authority citation for Part 516 is proposed to be revised to read as follows:

**Authority:** Sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211. Section 516.33 also issued under 52 Stat. 1060, as amended; 29 U.S.C. 201 et seq. Section 516.34 also issued under Sec. 7, 103 Stat. 944, 29 U.S.C. 207(q).

2. A new § 516.34 is proposed to be added to read as follows:

**§ 516.34 Exemption from overtime pay for time spent by certain employees receiving remedial education pursuant to section 7(q) of the Act.**

With respect to each employee exempt from the overtime pay requirements of the Act for time spent



receiving remedial education pursuant to section 7(q) of the Act and § 778.603 of this title, the employer shall maintain and preserve records containing all the information and data required by § 516.2 and, in addition, shall also make and preserve a record, either separately or as a notation on the payroll, showing the hours spent each workday and total hours each workweek that the employee is engaged in receiving such remedial education that does not include any job-specific training but that is designed to provide reading and other basic skills at or below the eight-grade level or to fulfill the requirements for a high school diploma (or General Educational Development certificate), and the compensation (at not less than the employee's regular rate of pay) paid each pay period for the time so engaged.

#### **PART 778—OVERTIME COMPENSATION**

3. The authority citation for part 778 is proposed to be revised to read as follows:

Authority: 52 Stat. 1060, as amended; 29 U.S.C. 201 *et seq.*

4. A new § 778.603 is proposed to be added to read as follows:

#### **§ 778.603 Special overtime provisions for certain employees receiving remedial education under section 7(q).**

Section 7(q) of the Act, enacted as part of the 1989 Amendments, provides an exemption from the overtime pay requirements for the time spent by certain employees who are receiving remedial education. The exemption provided by section 7(q), as implemented by these regulations, allows any employer to require that an employee spend up to 10 hours in the aggregate in any workweek in remedial education without payment of overtime compensation provided that the employee lacks a high school diploma or educational attainment at the eighth-grade level; the remedial education is designed to provide reading and other basic skills at an eighth-grade level or below, or to fulfill the requirements for a high school diploma or General Educational Development (GED) certificate; and the remedial education does not include job-specific training. Employees must be compensated at their regular rate of pay for the time spent receiving such remedial education. The employer must maintain a record of the hours that an employee is engaged each workday of each workweek in receiving remedial education, and the compensation paid each pay period for the time so engaged, as described in 29 CFR 516.34. The remedial education

must be conducted during discrete periods of time set aside for such a program, and, to the maximum extent practicable, away from the employee's normal work station. An employer has the burden to establish compliance with all applicable requirements of this special overtime provision as set forth in section 7(q) of the Act and in this section of the regulations. Section 7(q) is solely an exemption from the overtime provisions of section 7(a) of the Act. It is not an exemption from the requirements of any other law that regulates employment practices, including the standards that are used to select individuals for employment. An employer creating a remedial education program pursuant to section 7(q) should be mindful not to violate other applicable requirements. See, for example, title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e *et seq.*; Executive Order 11246, as amended, 3 CFR 339 (1964-1965 Compilation, reprinted in 42 U.S.C. 2000e note; the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 *et seq.*; and the Uniform Guidelines on Employee Selection Procedures published at 41 CFR part 60-3.

[FR Doc. 91-5061 Filed 3-5-91; 8:45 am]

BILLING CODE 4510-27-M

#### **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

##### **29 CFR Part 1602**

#### **Recordkeeping and Reporting Under Title VII and the ADA**

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Equal Employment Opportunity Commission is proposing to amend its regulations at 29 CFR part 1602 on recordkeeping and reporting under title VII of the Civil Rights Act of 1964 to add recordkeeping and reporting requirements under the Americans with Disabilities Act of 1990.

**DATES:** Comments must be submitted on or before May 8, 1991. A public hearing concerning these proposed regulations will be held on April 16, 1991 at a place and time to be announced.

**ADDRESSES:** Comments should be addressed to the Office of the Executive Secretariat, EEOC, 10th Floor, 1801 L Street, NW., Washington, DC 20507. Copies of comments submitted by the public will be available for review at the Commission's library, Room 6502, 1801 L Street, NW., Washington, DC between

the hours of 9:30 a.m. and 5 p.m. Any comments should additionally be filed with the Office of Management and Budget (see "Paperwork Reduction Act" below). Copies of this notice of proposed rulemaking are available in the following alternate formats: large print, braille, electronic file on computer disk, and audio-tape. Copies may be obtained from the Office of Equal Employment Opportunity by calling (202) 663-4395 (voice) or (202) 663-4399 (TDD).

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Schlageter, Acting Assistant Legal Counsel, or Grace C. Karmiol, General Attorney, at (202) 663-4669 (voice) or (202) 663-7026 (TDD).

**SUPPLEMENTARY INFORMATION:** The Americans with Disabilities Act of 1990 (ADA) authorizes the Equal Employment Opportunity Commission to issue recordkeeping and reporting regulations that are deemed reasonable, necessary or appropriate to enforcement of the Act. Section 107(a) of the ADA incorporates section 709 of title VII. The EEOC is proposing to amend the recordkeeping and reporting regulations issued under title VII to include recordkeeping and reporting requirements under the ADA. The proposal does not require the creation of any new documents under the ADA and is proposing the same record retention requirements under the ADA that it imposes under title VII, i.e., any records created must be kept for the same period of time specified in the title VII regulations.

The EEOC proposal does not impose any reporting requirements under the ADA, but reserves the right in the future to issue reporting regulations as may be necessary to accomplish the purposes of the ADA. In addition to these proposed regulations, the Commission invites comment on whether there should be any reporting requirement under the ADA (for example, the number of employees with disabilities), what the information collected would be used for, and how to collect the information, i.e., voluntary self-identification or employer visual identification.

Persons wishing to present their views orally should notify the Commission of their desire to do so in writing no later than March 25, 1991 with a request to Frances Hart, Executive Officer, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507. The request should include a written summary of the remarks to be offered.

### Regulatory Flexibility Act

The proposed rule, if promulgated in final form, is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because it does not impose any additional recordkeeping or reporting requirements.

### Paperwork Reduction Act

These proposed regulations contain information collection requirements subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act. It is estimated that the public recordkeeping burden will not increase as a result of the amendments because all employers affected by them are already required to retain these records for the same time periods under title VII. As required by the Paperwork Reduction Act, the Equal Employment Opportunity Commission is submitting to the Office of Management and Budget a request that it approve these information collection requirements. Organizations or individuals desiring to submit comments for consideration by OMB on these information collection requirements should address them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Joseph Lackey.

The Commission hereby publishes these proposed rules for public comment. The proposed rules appear below.

### List of Subjects in 29 CFR Part 1602

Reporting and recordkeeping requirements.

For the Commission,  
Evan J. Kemp, Jr.,  
Chairman.

Accordingly, it is proposed to amend 29 CFR part 1602 as follows:

1. The heading for part 1602 is revised to read as follows:

#### **PART 1602—RECORDKEEPING AND REPORTING REQUIREMENTS UNDER TITLE VII AND THE ADA**

2. The authority citation for part 1602 is revised to read as follows:

Authority: 42 U.S.C. 2000e-8, 2000e-12; 44 U.S.C. 3501 et seq.; 42 U.S.C. 12117.

3. Section 1602.1 is revised to read as follows:

#### **§ 1602.1 Purpose and scope.**

Section 709 of title VII and section 107 of the Americans with Disabilities Act (ADA) require the Commission to

establish regulations pursuant to which employers, labor organizations, joint labor-management committees, and employment agencies subject to those Acts shall make and preserve certain records and shall furnish specified information to aid in administration and enforcement of the Acts.

4. The heading for Subpart A is revised to read as follows:

#### **Subpart A—General**

5. Move § 1602.1 under subpart A.

§§ 1602.2 through 1602.6 [Removed and reserved]

6. Sections 1602.2-1602.6 are removed and reserved.

§ 1602.11 [Amended]

7. Section 1602.11 is amended as follows:

(a) In the first sentence, after "purposes of title VII" insert "or the ADA".

(b) In the second sentence, after "section 709(c) of title VII" insert "or section 107 of the ADA".

§ 1602.12 [Amended]

8. Section 1602.12 is amended as follows:

(a) In the first sentence, after "purposes of title VII" insert "or the ADA".

(b) In the second sentence, after "section 709(c)" insert "of title VII, or section 107 of the ADA".

§ 1602.14 [Amended]

9. Section 1602.14(a) is amended as follows:

(a) In the first sentence, after "not necessarily limited to" insert "requests for reasonable accommodation".

(b) In the third sentence, after "under title VII" insert "or the ADA".

§ 1602.19 [Amended]

10. Section 1602.19 is amended as follows:

(a) In the first sentence, after "purpose of title VII" insert "or the ADA".

(b) In the second sentence, after "section 709(c) of title VII" insert "or section 107 of the ADA".

§ 1602.21 [Amended]

11. Section 1602.21(b) is amended as follows:

(a) In the first sentence, after "not necessarily limited to" insert "requests for reasonable accommodation".

(b) In the second sentence, after "under title VII" insert "or the ADA".

§ 1602.26 [Amended]

12. Section 1602.26 is amended as follows:

(a) In the first sentence, after "purposes of title VII" insert "or the ADA".

(b) In the second sentence, after "section 709(c)" insert "of title VII or section 107 of the ADA".

§ 1602.28 [Amended]

13. Section 1602.28(a) is amended as follows:

(a) In the third sentence, after "under title VII" insert "or the ADA".

§ 1602.31 [Amended]

14. Section 1602.31(a) is amended as follows:

(a) In the first sentence, after "not necessarily limited to" insert "requests for reasonable accommodation".

(b) In the third sentence, after "under title VII" insert "or the ADA".

§ 1602.37 [Amended]

15. Section 1602.37 is amended as follows:

(a) In the first sentence, after "purposes of title VII" insert "or the ADA".

(b) In the second sentence, after "section 709(c) of title VII" insert "or section 107 of the ADA".

§ 1602.40 [Amended]

16. Section 1602.40(a) is amended as follows:

(a) In the first sentence, after "not necessarily limited to" insert "requests for reasonable accommodation".

§ 1602.45 [Amended]

17. Section 1602.45 is amended as follows:

(a) In the first sentence, after "purposes of title VII" insert "or the ADA".

(b) In the second sentence, after "section 709(c) of title VII" insert "or section 107 of the ADA".

§ 1602.49 [Amended]

18. Section 1602.49(a) is amended as follows:

(a) In the first sentence, after "not necessarily limited to" insert "requests for reasonable accommodation".

§ 1602.54 [Amended]

19. Section 1602.54 is amended as follows:

(a) In the first sentence, after "purposes of title VII" insert "or the ADA".

(b) In the second sentence, after "section 709(c) of title VII" insert "or section 107 of the ADA".

[FR Doc. 91-5102 Filed 3-4-91 8:45 am]

BILLING CODE 6750-06-15

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[SW-FRL-3911-3]

**National Oil and Hazardous; Substance Contingency Plan; The National Priorities List****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of intent to delete Wedzeb Enterprises site from the National Priorities List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) announces its intent to delete the Wedzeb Enterprises site from the National Priorities List (NPL) and requests public comment. The NPL is appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA, in consultation with the State, has determined that all appropriate response actions under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and State have determined that remedial activities conducted at the site to date have been protective of public health, welfare and the environment.

**DATES:** Comments concerning the proposed deletion of the Wedzeb Enterprises site may be submitted on or before April 4, 1991.

**ADDRESSES:** Comments may be mailed to Tinka G. Hyde, Remedial Project Manager, or Beverly J. Kush, Unit Chief, U.S. EPA—5HS-11, Office of Superfund, 230 S. Dearborn St., Chicago, Illinois 60604. The comprehensive information on the site is available at your local information repository located at: the Mayor's office, 201 East Main Street, Lebanon, Indiana, 46052.

Request for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is C. Freeman (5HS-12), Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60640, (312) 886-8214.

**FOR FURTHER INFORMATION CONTACT:** Tinka G. Hyde, 5HS-11, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-8296 or Karen Martin, 5PA-14, Office of Public Affairs, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-6128.

**SUPPLEMENTARY INFORMATION****Table of Contents**

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

**I. Introduction**

The Environmental Protection Agency (EPA), Region V announces its intent to delete the Wedzeb Enterprises site from the National Priorities List (NPL), appendix B, of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Superfund (Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that future conditions at the site warrant such action.

The site EPA intends to delete from the NPL is Wedzeb Enterprises, Lebanon, Indiana.

The EPA will accept comments on this proposed deletion for 30 days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of the site and explains how the site meets the deletion criteria.

**II. NPL Deletion Criteria**

The 1990 amendments to the NCP established the criteria the Agency uses to delete sites from the NPL. 40 CFR 300.425(e) provides that sites "may be deleted from or recategorized on the NPL where no further response is appropriate." In making this determination EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented; and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

For all remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow unlimited use and unrestricted exposure, it is EPA's policy that sites generally will not be deleted from the NPL until at least one five-year review has been conducted. A five-year review is generally conducted after completion of all remedial actions at a site (except operation and maintenance), including appropriate actions taken to ensure that the site remains protective of public health and the environment, and when the site meets EPA's deletion criteria as outlined above. As stated under "Basis for Intended Deletion," the selected remedy for the Wedzeb site required the removal of the contaminated sewer sediments, RI-derived waste, and soil from the site. As a result of implementing this remedy, hazardous substances, pollutants, and contaminants were removed from the site allowing for unlimited use and unrestricted exposure. Therefore, consistent with the NCP § 300.430(f)(4)(ii), five-year reviews are not necessary for this site.

Before deciding to delete a site, EPA must make a determination that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of the site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for information purposes and to assist in Agency management.

**III. Deletion Procedures**

Upon determination that at least one of the criteria described in § 300.425(e) of the NCP has been met, EPA may formally begin deletion procedures. The first steps are preparing a Superfund Close-Out Report, obtaining State concurrence on the proposed deletion, and the updating of the local information repository and the Regional deletion docket. These actions have been completed. This Federal Register notice, and concurrent notice in the local newspaper in the vicinity of the

site, announce the initiation of a 30-day public comment period. The public is asked to comment on EPA's intention to delist the site from the NPL; all critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the Federal Register.

#### IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete this Site from the NPL.

Wedzeb Enterprises Superfund Site, Lebanon, Indiana

The Wedzeb site is a three-quarter acre site located at 320 South Ballard Street in Lebanon, Indiana, about 30 miles northwest of Indianapolis.

On May 2, 1981, one of two warehouses located on the property was completely destroyed by a fire. The warehouse that was destroyed, located on the east side of the property, had been used as a storage facility for scrap material and used equipment or parts, including electrical capacitors and transformers containing polychlorinated biphenyls (PCBs). According to the company's inventory records, the warehouse contained at least seventy-seven tons of electrical capacitors, some of which exploded during the fire. PCBs are believed to have been released into the environment as a result of the fire, and contaminants are believed to have migrated to nearby ground surfaces. In addition, other organic compounds may have been created in the burning of PCBs, particularly dioxins and furans, and released into the environment as well.

Because of the potential threat to the health of nearby residents and to the environment, in May 1981, the Indiana State Board of Health and a U.S. EPA Technical Assistance Team collected samples of on-site soil and debris, as well as soot, waste water, and sanitary sewer sediment from near the site. Results from the Technical Assistance Team sample analysis showed concentrations of PCBs in sludge from the Lebanon Treatment Plant, as well as traces of dioxins and furans in the

sediments and other soil samples from locations on and near the site.

In December 1983, the site was listed on the National Priorities List (NPL). From 1981 to 1986, the State of Indiana and U.S. EPA made repeated efforts to get the site owner and operator of the Wedzeb site to undertake cleanup actions. However, these enforcement efforts were largely unsuccessful.

Based on previous sample analyses of site debris and surface soil, U.S. EPA commenced a removal action in April 1987, to remove the contaminated debris and surface soil from the site. Debris from the eastern warehouse and contaminated soil were removed from the site and replaced with clean fill material. After September 30, 1987, the U.S. EPA conducted a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of contamination at the site.

The findings of the Final RI Report showed that the previous removal actions were adequate to protect human health and the environment, and that no unacceptable risk remained at the site for groundwater, soils, and warehouse surfaces. Therefore, the ROD which was issued by U.S. EPA on June 30, 1989 called for no further action for the groundwater, soils, and warehouse surfaces at the Wedzeb Enterprises site. However, to prevent potential future releases from the contaminated sewer line connected to the Lebanon Treatment Plant, the June 1989 ROD called for remediation of the contaminated sewer line.

Additional surface soil sampling was conducted by the Indiana Department of Environmental Management (IDEM) in August and December of 1989 in the southeast corner of the Wedzeb Enterprises site. IDEM personnel found isolated low-levels of PCB contaminated surface soil. IDEM personnel collected soil samples at thirteen locations along the southeastern edge of the site to a depth of 0 to 2 inches. Seven of the thirteen samples were below the 10 ppm PCB cleanup level. The remaining six samples ranged from 10.5 ppm to 39 ppm of PCBs. Based on the IDEM analytical sample results, a decision was made to remove and dispose of the contaminated soil in the southeast corner of the site. This decision was documented in an Explanation of Significant Differences (ESD) dated August 24, 1990.

The remedial action design criteria for removal of contaminated sediment from the sanitary sewer and soil excavation was based on cleanup levels stated in the Toxic Substance Control Act (TSCA) Spill Policy Guidance for soils. The TSCA guidance level is 10 parts per

million (ppm) for soils and sediment in nonrestricted areas.

Approximately 600 feet of sanitary sewer pipe from the manhole in Ballard Street, northeast of the site, to the manhole in Ryan Street between Superior Street and Pearl Street, was cleaned in April 1990. After the sanitary sewer has been cleaned and the wastewater had been removed, a television inspection of the pipe was conducted. The video taped results of the television inspection indicate that the sewer is structurally sound and clean from contamination.

A liquid sample collected from the wash water holding tank, and sediment samples collected from the bag filter were analyzed to determine the magnitude of PCB contamination. The analytical results from the liquid and sediment samples indicated no PCB contamination. Therefore, the wastewater was discharged to the sanitary sewer. The sediment and granular activated carbon were containerized and later composited with existing RI-derived waste during final remedial action activities completed in August 1990.

The final element of the remedial action was the excavation and removal of approximately 8 cubic yards of surficial soil to a depth of 3 to 6 inches in accordance with the ESD. During the soil excavation conducted in August 1990, 30 drums containing wastes generated during the RI and during the sanitary sewer remedial action were composited with the excavated soils and disposed of off-site.

The ROD and subsequent ESD for the Wedzeb Enterprises site required removal of the contaminated sewer sediments, RI-derived waste, and soil from the site. In addition, there is no equipment left on-site requiring operation and maintenance activities. Therefore, since there are no hazardous substances or equipment left at the site, there are no monitoring, operations, or maintenance requirements at the Wedzeb Enterprises site.

The community relations activities conducted during the Remedial Design/Remedial Action (RD/RA) for the Wedzeb Enterprises site included preparation of a remedial action fact sheet and public notice as well as convening an availability session. In addition, a press release was issued and an information repository was established for the ESD. The community relations activities have been ongoing since the inception of the removal action and RI and have been carried throughout the entire RD/RA process. The public reaction to U.S. EPA's

activities at the site has been positive. U.S. EPA plans to continue community relations activities throughout the deletion process.

EPA, in consultation with the State of Indiana, has determined that all appropriate Fund-financed responses under CERCLA have been implemented at the Wedzeb Enterprises site and that no further cleanup is appropriate.

Dated: February 25, 1991.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 91-5154 Filed 3-4-91; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 91-45, RM-7608]

#### Radio Broadcasting Services; Lanai City, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** This document requests comments on a petition by Ivan N. Dixon, III, proposing the substitution of Channel 284C for Channel 284A at Lanai City, Hawaii, and modification of his construction permit (BPH-890503MQ) to specify the higher class channel. Channel 284C can be allotted to Lanai City in compliance with the Commission's minimum distance separation requirements at the site specified in the construction permit with a site restriction of 6.2 kilometers (3.8 miles) southeast of the community. The coordinates are North Latitude 20-48-23 and West Longitude 156-52-01. In accordance with Section 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties.

**DATES:** Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary S. Smithwick, Smithwick & Belendiuk, P.C., 2033 M Street, NW., suite 207, Washington, DC 20036 (Attorney for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-45, adopted February 19, 1991, and released February 28, 1991. 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 Street, NW. Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division Mass Media Bureau.

[FR Doc. 91-5171 Filed 3-4-91; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[MM Docket No. 91-46, RM-7604]

#### Radio Broadcasting Services; Mount Sterling, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** This document requests comments on a petition by Brown County Broadcasting proposing the allotment of Channel 294B1 at Mount Sterling, Illinois, as the community's first local FM channel. Channel 294B1 can be allotted to Mount Sterling in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.4 kilometers (8.9 miles) southwest of the community, in order to avoid short-spacings to a construction permit for Station WKBQ(FM), Channel 293C1, Granite

City, Illinois, and the licensed site of Station WSWT(FM), Channel 295B, Peoria, Illinois. The coordinates for this proposed allotment are North Latitude 39-57-22 and West Longitude 90-55-11.

**DATES:** Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary S. Smithwick, Smithwick & Belendiuk, P.C., 2033 M Street, NW., suite 207, Washington, DC 20036 (Attorney for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's notice of proposed rule making, MM Docket No. 91-46, adopted February 19, 1991, and released February 28, 1991. 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 Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time of a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-5172 Filed 3-4-91; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73****[MM Docket No. 91-42, RM-7616]****Radio Broadcasting Services; Eldon, IA****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Rivertown Communications Company seeking the allotment of Channel 282C3 to Eldon, Iowa, as the community's first local FM service. Channel 282C3 can be allotted to Eldon in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.6 kilometers (4.7 miles) south to avoid a short-spacing to Station KTOF, Channel 283C1, Cedar Rapids, Iowa. The coordinates for Channel 282C3 at Eldon are North Latitude 40-51-15 and West Longitude 92-15-15.

**DATES:** Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David W. Brown, Rivertown Communications Company, P.O. Box 65, Eldon, Iowa 52554 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's notice of proposed rule making, MM Docket No. 91-42, adopted February 19, 1991, and released February 28, 1991. 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 Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

*Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 91-5173 Filed 3-4-91; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73****[MM Docket No. 91-43, RM-7607]****Radio Broadcasting Services; New Madrid and Portageville, MO****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by New Madrid Broadcasting Company, licensee of Station KMIS-FM, Channel 292A, Portageville, Missouri, proposing the substitution of Channel 293C2 for 292A and change of community of license for its channel at Portageville to New Madrid, Missouri, and modification of its license for Station KMIS-FM to specify Channel 293C2 at New Madrid. Coordinates for Channel 293C2 at New Madrid are the same as KMIS-FM's current transmitter site, 36-25-30 and 89-41-39.

**DATES:** Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

John J. McVeigh, Francisco R. Montero, Fisher, Wayland, Cooper and Leader, 1255 23rd Street, NW, suite 800, Washington, DC 20037 (Counsel for the petitioner).

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's notice of proposed rule making, MM Docket No. 91-43, adopted February 19, 1991, and released February 28, 1991. 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 Street, NW., Washington, DC. The complete text of this decision may also

be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR Section 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

*Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 91-5174 Filed 3-4-91; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73****[MM Docket No. 91-44; RM-7619]****Radio Broadcasting Services; Warrenton, MO****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Kaspar Broadcasting Company of Missouri proposing the substitution of Channel 280C3 for Channel 260A at Warrenton, Missouri, and modification of the construction permit for Station KFAV(FM). The coordinates for Channel 280C3 are 38-54-00 and 91-08-00. In accordance with § 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties.

**DATES:** Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Wilner, Bryan, Cave, McPheeters & McRoberts, 700 Thirteenth

Street, NW., suite 700, Washington, DC 20005-3960 (Counsel for the petitioner).

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-44, adopted February 19, 1991, and released February 28, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Bureau (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-5175 Filed 3-4-91 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 91-41, RM-7227]

#### Radio Broadcasting Services; Ridgeland and Lady's Island, SC

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Mattox-Guest of South Carolina, Inc., licensee of Station WSHG, seeking the substitution of Channel 285C3 for Channel 285A and the modification of Station WSHG's license to specify Lady's Island as its community of license. Petitioner is requested to provide further information to demonstrate that Lady's Island is a community for allotment purposes and

to address the fact that Ridgeland's sole remaining station, WCOG(AM), is presently off the air. Channel 285C3 can be allotted to Lady's Island in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.4 kilometers (7.1 miles) southeast to avoid a short-spacing to Station WHCG, Channel 285A, Metter, Georgia. The coordinates for Channel 285C3 at Lady's Island are North Latitude 32-23-57 and West Longitude 80-32-03.

**DATES:** Comments must be filed on or before April 22, 1991, and reply comments on or before May 7, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel, as follows: Howard J. Barr, Esq., Pepper & Corazzini, 200 Montgomery Building, 1776 K Street NW., Washington, DC 20006 (Counsel to Mattox-Guest).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-41, adopted February 19, 1991, and released February 28, 1991. 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 Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-5176 Filed 3-4-91; 8:45 am]

BILLING CODE 6712-01-M

#### INTERSTATE COMMERCE COMMISSION

#### 49 CFR Ch. X

[Ex Parte No. 55 (Sub-No. 83)]

#### Use of Alternative Dispute Resolution Procedures in Commission Proceedings and Those in Which the Commission is a Party

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Advance notice of proposed policy concerning use of Administrative Dispute Resolution procedures (ADR), including Negotiated Rulemaking (Reg-neg), and request for comments.

**SUMMARY:** The Commission proposes a policy statement to implement two important and recently enacted amendments to the Administrative Procedure Act. These are the Administrative Dispute Resolution Act (ADR), Public Law 101-552, and the Negotiated Rulemaking Act (Reg-neg), Public Law 101-648. Both of these acts authorize and encourage administrative agencies to use arbitration, mediation, negotiated rulemaking, and other consensual methods of dispute resolution.

Section 3(a) of ADR requires the Commission to adopt a policy statement as to how it intends to implement that statute in each of the following areas: (a) Formal and informal adjudications; (b) rulemakings; (c) enforcement actions; (d) issuing and revoking licenses or permits; (e) contract administration; (f) litigation brought by or against the agency; and (g) other agency actions. The Commission is seeking comments at this time so that the affected public may be involved in the development of procedures to implement both ADR and Reg-neg at the outset.

In connection with this effort, the Commission also intends to apply the General Services Administration (GSA) rules for implementing the Federal Advisory Committee Act, Public Law 92-463, 5 U.S.C. app. 1. Those rules may be reviewed at 41 CFR part 101-6.

**DATES:** Comments are due by April 19, 1991.

**ADDRESSES:** Send an original and 10 copies of all comments to:

Office of the Secretary, Case Control  
Branch, Attn: Ex Parte No. 55 (Sub-No.  
83), Interstate Commerce Commission,  
Washington, DC 20423

**FOR FURTHER INFORMATION CONTACT:**  
Louis Mackall, (202) 275-7602 [TDD for  
hearing impaired: (202) 275-1721]

**SUPPLEMENTARY INFORMATION:** In  
response to the enactment of the ADR  
and Reg-neg legislation, the Commission  
proposes to commence the process  
leading to a general policy to encourage  
the use of alternative dispute resolution  
procedures whenever the parties agree  
to them and it is practical to do so in  
light of its statutory mandate. These  
consensual, informal procedures include  
mediation, settlement negotiation,  
arbitration, and negotiated rulemaking.

The scope of these two new  
enactments, ADR and Reg-neg, is broad.  
Section 3(2) of ADR specifically requires  
the Commission to examine alternative  
means of resolving disputes concerning:  
(a) formal and informal adjudications;  
(b) rulemakings; (c) enforcement actions;  
(d) issuing and revoking licenses or  
permits; (e) contract administration; (f)  
litigation brought by or against the  
agency; and (g) other agency actions.

In enacting ADR, Congress plainly  
indicated that administrative  
proceedings have become too formal  
and lengthy and that alternative  
procedures may in some instances be  
faster, less contentious, and more  
efficient. Of course, ADR procedures are  
not appropriate in every case. New  
section 5 U.S.C. 582(b) sets forth  
situations in which the agency should  
consider not using ADR. These include  
precedent setting cases, those where a  
formal record is essential, and those  
bearing on significant policy questions.  
Within the limitations described in the  
statute, the Commission plans to explore  
extensive use of ADR. The Commission  
is also considering whether particular

amendments to its rules of practice are  
required in order to implement ADR.

The Congressional purpose in the Reg-  
neg statute is similar to that behind  
ADR. Congress was concerned that  
traditional rulemaking procedures may  
discourage affected parties from meeting  
and communicating with each other. The  
result is that the parties assume extreme  
conflicting positions which often results  
in costly and time-consuming litigation.  
Reg-neg is intended as an alternative  
process to allow the agency to form  
committees for the development of  
consensus positions concerning  
controversial regulations and policies.

Under Reg-neg, the agency  
participates as a member of the  
negotiating group; it does not control the  
procedures or the result. But an agency  
participant may serve as a liaison with  
the agency to advise the group if any  
particular option being discussed is  
believed to be beyond the agency's  
authority or unacceptable for some other  
reason. Skilled neutral mediators  
organize the process and help it run  
smoothly. They chair the negotiations,  
and use their experience to assist the  
parties in building a consensus.

The statute establishes several  
criteria for the use of Reg-neg including:  
(1) There are a limited number of  
identifiable interests; (2) these can be  
adequately represented; (3) the parties  
are willing to negotiate in good faith; (4)  
the agency has the resources to  
undertake the process; and (5) the  
agency is committed to use the result of  
the negotiation in formulating a  
proposed rule if at all possible.

Reg-neg provides that the agency  
establish and administer such  
committees under the procedures of the  
Federal Advisory Committee Act  
(FACA). The Commission proposes to  
apply GSA's rules concerning  
implementation of FACA for this  
purpose.

We think that Reg-neg techniques,  
using as they do skilled mediators, have  
great promise for Commission use in  
resolving longstanding and intransigent  
controversies. Congress has urged us to  
use this process in section 3 of the Reg-  
neg Act, and we intend to do so. We will  
develop our policy with full consultation  
with the Administrative Conference of  
the United States and the Federal  
Mediation and Conciliation Service as  
required by section 3a of the ADR Act.

To this end, the Commission has  
already designated an ADR Specialist to  
serve as liaison with those agencies and  
as coordinator of the Commission's ADR  
implementation. In addition, an ADR  
Management Committee has been  
established consisting of representatives  
of all affected bureaus and offices to  
facilitate implementation of the  
Commission's ADR program and to  
identify areas or proceedings that might  
be amendable to ADR or Reg-neg  
handling. Further notice of and  
opportunity to comment on any area or  
proceeding recommended for handling  
under either of these processes will be  
provided. Suggestions, with a short  
explanation as why a particular area or  
proceeding appears to be appropriate for  
handling under either ADR (for  
adjudications) or Reg-neg (for  
rulemaking) are being solicited from the  
public at this time and will be  
considered by the ADR Management  
Committee.

This action will not significantly affect  
either the quality of the human  
environment or conservation of energy  
resources.

Decided: February 26, 1991.

By the Commission, Chairman Philbin, Vice  
Chairman Emmett, Commissioners  
Simmons, Phillips and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-5149 Filed 3-4-91; 8:45 am]

BILLING CODE 7035-01-M



# Notices

Federal Register

Vol. 56, No. 43

Tuesday, March 5, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### McKenzie Timber Sale(s); Notice of Intent

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to prepare an environmental impact statement.

**SUMMARY:** Notice is hereby given that the USDA Forest Service will prepare an Environmental Impact Statement to disclose the environmental consequences of the proposed McKenzie Timber Sale located on the Beckwourth Ranger District, Plumas National Forest, Plumas and Sierra Counties California. The McKenzie Timber Sale is approximately 3 air miles south of the town of Clio, California in T.21N., R.13E. and T.21N., R.12E. Mt. Diablo Meridian. The Forest Service invites written comments on this proposal. One public meeting is planned for March 13, 1991 at 6:30 pm to receive initial comments. The meeting will be held at the Graeagle Fire Station Community Hall on Highway 89 in Graeagle California. A full environmental analysis will be conducted. The Draft Environmental Impact Statement (DEIS) will be published in December 1991 and the Final Environmental Impact Statement (FEIS) will be available for review in June 1992.

**DATES:** Comments concerning the scope of analysis should be received in writing by June 15, 1991.

**ADDRESSES:** Submit written comments to Robert R. Hammond, District Ranger, PO Box 7, Blairsden, CA 96103.

**FOR FURTHER INFORMATION CONTACT:** Michael Martini, Project Leader, phone 916-836-2575.

**SUPPLEMENTARY INFORMATION:** The Plumas National Forest Land and Resource Management Plan provides direction for management of the project area located within Management Area

39, Haskell. The Management Prescriptions that apply within the project area include: (1) Spotted Owl Management Prescription, and (2) Visual Partial Retention Prescription. Harvest activities are proposed within each prescription type and will be guided by the Forest Plan. The proposed action would use a variety of logging systems to harvest approximately 12 million board feet of timber. A range of alternatives for this project will be considered, based on the issues and concerns identified during the scoping process, one of which would be a no action alternative (1).

Mary J. Coulombe, Forest Supervisor, Plumas National Forest, Quincy, California, is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). Some initial scoping and analysis has been completed for this proposed project. Comments received during the original scoping will be retained and considered in the analysis. The Forest Service will be seeking information, comments and assistance from Federal, State and local agencies, other individuals and organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the DEIS. The scoping process includes:

1. Identifying potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).

6. Determining potential cooperating agencies and task assignments.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the proposed timber sale area.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by December 1991. At that time

EPA will publish a notice of availability of the DEIS in the Federal Register. The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's Notice of Availability appears in the Federal Register. It is very important that those interested in the management of the Haskell Management Area to participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

After the comment period for the DEIS ends, the comments received will be analyzed and considered by the Forest Service in preparation of the FEIS. The FEIS is scheduled to be completed by June 1992. In the FEIS the Forest Service is required to respond to comments received (40 CFR 1503.4). The responsible official will consider comments, responses, environmental consequences discussed in the EIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: February 7, 1991.

Mary J. Coulombe,

Forest Supervisor.

[FR Doc. 91-5068 Filed 3-4-91; 8:45 am]

BILLING CODE 3410-11-M

### West Slope Timber Sale(s); Notice of Intent

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to prepare an environmental impact statement.

**SUMMARY:** Notice is hereby given that the USDA Forest Service will prepare an Environmental Impact Statement to disclose the environmental consequences of the proposed West Slope Timber Sale(s) located on the Beckwourth Ranger District, Plumas National Forest, Plumas County, California. The West Slope Timber Sale(s) is approximately 6 air miles west of the town of Blairsden, California in T. 22N., R.11 E., Mt. Diablo Meridian. The Forest Service invites written comments on this proposal. One public meeting is planned for March 6, 1991 at 6:30 p.m. to receive initial comment. The meeting will be held at the Graeagle Fire Station Community Hall on Highway 89 in Graeagle, California. A full environmental analysis will be conducted. The Draft Environmental Impact Statement (DEIS) will be published in March 1992 and the Final Environmental Impact Statement (FEIS) will be available for review in August 1992.

**DATES:** Comments concerning the scope of analysis should be received in writing by September 30, 1991.

**ADDRESSES:** Submit written comments to Robert R. Hammond, District Ranger, PO Box 7, Blairsden, CA 96103.

**FOR FURTHER INFORMATION CONTACT:** Terry Cross, Project Leader, phone 916-836-2575.

**SUPPLEMENTARY INFORMATION:** The Plumas National Forest Land and Resource Management Plan provides direction for management of the project area located within Management Area 33, Nelson Creek. The Forest Plan has designated the project area to be managed under the Timber Emphasis, Visual Partial Retention, Spotted Owl Habitat, and Minimal Management Prescriptions. Harvest activities are proposed within each prescription type and will be guided by Forest Plan direction. The proposed action would use a variety of logging systems to harvest approximately 10 to 15 million board feet of timber. A range of alternatives for this project will be considered, based on issues and

concerns identified during the scoping process, including a no action alternative.

Mary J. Coulombe, Forest Supervisor, Plumas National Forest, Quincy, California, is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). Some initial scoping and analysis has been completed for this proposed project. Comments received during the original scoping will be retained and considered in the analysis. The Forest Service will be seeking information, comments and assistance from Federal, State and local agencies, other individuals and organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the DEIS. The scoping process includes:

1. Identifying potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the proposed timber sale area.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by March 1992. At that time EPA will publish a notice of availability of the DEIS in the Federal Register. The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's Notice of Availability appears in the Federal Register. It is very important that those interested in the management of the West Slope Timber Sale(s) participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure

their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

After the comment period for the DEIS ends, the comments received will be analyzed and considered by the Forest Service in preparation of the FEIS. The FEIS is scheduled to be completed by August 1992. In the FEIS the Forest Service is required to respond to comments received (40 CFR 1503.4). The responsible official will consider comments, responses, environmental consequences discussed in the EIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: February 7, 1991.

Mary J. Coulombe,

Forest Supervisor.

[FR Doc. 91-5069 Filed 3-4-91; 8:45 am]

BILLING CODE 3410-11-M

### DEPARTMENT OF COMMERCE

#### Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** National Oceanic and Atmospheric Administration.

**Title:** The U.S. GOES Data Collection System (DCS) Application.

**Form Number:** No form number assigned; OMB-0648-0157.

**Type of Request:** Request for extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

**Burden:** 9 respondents; 27 reporting hours; average hours per response—3 hours.

**Needs and Uses:** Respondents are those users sponsored by the government who desire use of the GOES DCS. NOAA needs a minimal amount of information from respondents in order to determine if the request meets the requirements as stated in the regulation 15 CFR 911(a)-(c).

**Affected Public:** State or local governments, business or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations.

**Frequency:** One time.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Ronald Minsk, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Ronald Minsk, OMB Desk Officer, room 3208, New Executive Building, Washington, DC 20503.

Dated: February 27, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91-5053 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-CW-M

## International Trade Administration

[A-580-601]

### Certain Stainless Steel Cooking Ware From the Republic of Korea; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea for the period January 1, 1989 through December 31, 1989. The review covers one manufacturer/exporter of this merchandise to the United States. We preliminarily determine the weighted-average dumping margin to be 2.02 percent. We

invite interested parties to comment on these preliminary results.

**EFFECTIVE DATE:** March 5, 1991.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Moore or Anne D'Alauro, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 24, 1990, the Department of Commerce (the Department) published in the *Federal Register* a notice of "Opportunity to Request Administrative Review" (55 FR 2398) of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea (52 FR 2139; January 20, 1987). On January 31, 1990, the petitioner, the Fair Trade Committee of the Cookware Manufacturers Association, requested an administrative review of Namil Ltd., a manufacturer/exporter, for the period January 1, 1989 through December 31, 1989. We initiated the review on February 28, 1990 (55 FR 7015). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). This is the first administrative review conducted since the original investigation.

##### Scope of Review

Imports covered by this review are shipments of certain Korean stainless steel cooking ware. Such merchandise is classifiable under Harmonized Tariff Schedule (HTS) item number 7323.93.00. The products covered by this order are skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope are stainless steel kitchen ware. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review covers one manufacturer/exporter of the subject merchandise to the United States, Namil Ltd., and the period January 1, 1989 through December 31, 1989.

##### United States Price

In calculating United States price, the Department used purchase price as defined in section 772 of the the Tariff Act, because the merchandise was sold to unrelated U.S. purchasers prior to importation. Purchase price was based

on the packed, f.o.b. and c.i.f. price to unrelated purchasers in the United States. We made deductions where applicable, for handling, foreign inland freight, ocean freight, marine insurance, and associated export documentation expenses, as well as an addition to U.S. price for duty drawback.

##### Foreign Market Value

In calculating foreign market value, the Department used third country sales and constructed value, as provided for in section 773 of the Act, because insufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The Department used third country price in calculating foreign market value when sufficient quantities of such or similar merchandise were sold at or above the cost of production in third country market. Third country price was based on the f.o.b., c.i.f. and c&f price to unrelated purchasers in the third country. Where applicable we made adjustments for foreign inland freight, brokerage and handling, ocean freight, marine insurance, associated export documentation expenses, physical differences in the merchandise, duty drawback, and differences in credit and packing between the third country and U.S. markets. We used constructed value for Namil's third country models for which there were insufficient sales at or above the cost of production. Constructed value consisted of the sum of materials, fabrication, overhead, general expenses, profit and U.S. packing. In accordance with section 773(e)(1)(B), we used the statutory minima of 10 and 8 percent for general expenses and profits, respectively, because the actual amounts were less than the statutory minima.

At verification, Namil provided supporting data for the cost of materials but was unable to provide supporting data for the standard costs used in allocating the labor and factory overhead portions of the cost of production attributable to the subject merchandise. All other product-specific costs as well as the aggregate cost of production were verified. Because the company produces only the subject merchandise, the cost of materials were accurately derived, and the aggregate cost of production was traced to the company's financial statement, we consider Namil's allocation of the labor and factory overhead to be reasonable and not distortive. We used the cost of manufacturing information submitted in the response to determine which sales were above cost and the constructed value of sales below cost. Adjustments

were made to the submitted selling, general and administrative expenses in order to remove items of non-operating income and expenses unrelated to production of the subject merchandise.

#### Preliminary Results of Review

As a result of our comparison of United States price with foreign market value, we preliminarily determine the weighted-average margin to be:

Manufacturer/ exporter	Time period	Margin (percent)
NAMIL LT.....	1/01/89-12/31/89	2.02

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margin will be required for Namil Ltd. For any shipments of this merchandise manufactured or exported by the remaining known manufacturers and/or exporters not covered in this review, the cash deposit will continue to be at the latest rate applicable to each of these firms.

For any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments of certain stainless steel cooking ware occurred after December 31, 1989, and who is unrelated to the reviewed firm or any previously reviewed firm, a cash deposit of 2.02 percent shall be required. These deposit requirements are effective for all shipments of certain Korean stainless steel cooking ware entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure and interested parties may request a hearing not later than 10 days after publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 353.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 353.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 26, 1991.

Eric I. Garfinkel

Assistant Secretary for Import Administration.

[FR Doc. 91-5051 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-09-M

#### [C-301-601]

#### Initiation of Countervailing Duty Administrative Review and Request for Termination of Suspended Investigation on Miniature Carnations From Colombia

**AGENCY:** International Trade Administration/Import Administration Department of Commerce.

**ACTION:** Notice of initiation of countervailing duty administration review and request for termination of suspended investigation.

**SUMMARY:** The Department of Commerce has received a request to terminate the suspended investigation on miniature carnations. In accordance with the Commerce Regulations, we are initiating an administrative review.

**EFFECTIVE DATE:** March 5, 1991.

**FOR FURTHER INFORMATION CONTACT:** Robert Bolling or Barbara Williams, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department of Commerce ("the Department") has received a timely request, in accordance with §§ 355.25(a)(1) and 355.25(b)(1) of the Department's regulations (19 CFR 355.25(a)(1) and 355.25(b)(1) (1990)), for termination of the suspended investigation covering miniature carnations from Colombia.

On January 31, 1991, the Government of Colombia requested termination of

the miniature carnations suspended countervailing duty investigation. Sections 355.25(a)(1) and 355.25(b)(1) of the Department's regulations permit termination of a suspended investigation if the Department determines that the government of the affected country has eliminated all subsidies on the subject merchandise by abolishing for the merchandise for a period of at least three consecutive years all programs that the Secretary has found countervailable, and there is no likelihood that the government of the affected country will in the future reinstate for the merchandise those programs or substitute other countervailable programs.

The Government of Colombia has submitted in a timely fashion a certificate stating that it has eliminated all subsidies on the subject merchandise by abolishing for the merchandise for a period of at least three consecutive years all programs that the Secretary has found countervailable. Therefore, the Department will conduct an administrative review of the countervailing duty suspension agreement on miniature carnations to determine if termination is appropriate.

#### Initiation of Review

In accordance with § 355.25(c)(1) of the Department's regulations, we are initiating an administrative review for the countervailing duty suspension agreement covering miniature carnations from Colombia. We intend to issue the final results of this review no later than January 31, 1992.

Interested parties must submit applications for administrative protective orders in accordance with § 335.34(b) of the Department's regulations.

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 355.22(c) and 19 CFR 355.25(c).

Dated: February 26, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-5049 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-03-M

#### [C-507-501]

#### In-shell Pistachios from Iran; 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 in-shell pistachios from Iran. Interested parties who object to this revocation must submit their comments in writing not later than March 31, 1991.

**EFFECTIVE DATE:** March 5, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mark Spellun or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 11, 1986, the Department of Commerce (the Department) published a countervailing duty order on in-shell pistachios from Iran (51 FR 8344). The Department has not received a request to conduct an administrative review of the countervailing duty order on in-shell pistachios from Iran for four consecutive annual anniversary months. This is the fifth anniversary.

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 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)(i) of the Department's regulations, we are notifying the public of our intent to revoke this order.

**Opportunity to Object**

Not later than March 31, 1991, interested parties, as defined in § 355.2(i) 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 do not request an administrative review or object to the Department's intent to revoke by March 31, 1991, 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).

Dated: February 25, 1991.

Joseph A. Spetrini,  
Deputy Assistant Secretary for Import Administration.

[FR Doc. 91-5052 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-05-M

**International Trade Administration**

[C-301-003]

**Initiation of Countervailing Duty; Administrative Review and Request for Termination of Suspended Investigation on Roses and Other Cut Flowers From Colombia**

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of initiation of countervailing duty administrative review and request for termination of suspended investigation.

**SUMMARY:** The Department of Commerce has received a request to terminate the suspended investigation on roses and other cut flowers. In accordance with the Commerce Regulations, we are initiating an administrative review.

**EFFECTIVE DATE:** March 5, 1991.

**FOR FURTHER INFORMATION CONTACT:** Robert Bolling or Barbara Williams, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department of Commerce ("the Department") has received a timely request, in accordance with §§ 355.25(a)(1) and 355.25(b)(1) of the Department's regulations (19 CFR 355.25(a)(1) and 355.25(b)(1) (1990)), for termination of the suspended investigation covering roses and other cut flowers from Colombia.

On January 31, 1991, the Government of Colombia requested termination of the roses and other cut flowers suspended countervailing duty investigation. Sections 355.25(a)(1) and 355.25(b)(1) of the Department's regulations permit termination of a suspended investigation if the Department determines that the government of the affected country has eliminated all subsidies on the subject merchandise by abolishing for the merchandise for a period of at least three consecutive years all programs that the Secretary has found countervailable, and there is no likelihood that the government of the affected country will in the future reinstate for the merchandise those programs or substitute other countervailable programs.

The Government of Colombia has submitted in a timely fashion a certificate stating that it has eliminated all subsidies on the subject merchandise

by abolishing for the merchandise for a period of at least three consecutive years all programs that the Secretary has found countervailable. Therefore, the Department will conduct an administrative review of the countervailing duty suspension agreement on roses and other cut flowers to determine if termination is appropriate.

**Initiation of Review**

In accordance with § 355.25(c)(1) of the Department's regulations, we are initiating an administrative review for the countervailing duty suspension agreement covering roses and other cut flowers from Colombia. We intend to issue the final results of this review no later than January 31, 1992.

Interested parties must submit applications for administrative protective orders in accordance with § 335.34(b) of the Department's regulations.

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 355.22(c) and 19 CFR 355.25(c).

Dated: February 26, 1991.

Joseph A. Spetrini,  
Deputy Assistant Secretary for Compliance.

[FR Doc. 91-5050 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-DS-M

**Short-Supply Review: Certain Type 409 CB Welding Quality Stainless Steel Wire Rod**

**AGENCY:** Import Administration/International Trade Administration, Commerce.

**ACTION:** Notice of short-supply review and request for comments; Certain type 409 CB welding quality stainless steel wire rod.

**SUMMARY:** The Secretary of Commerce ("Secretary") hereby announces a review and request for comments on a short-supply request for 1,025 metric tons of certain Type 409 CB welding quality stainless steel wire rod for April-December 1991 under Article 8 of the U.S.-EC steel arrangement and Paragraph 8 of the U.S.-Japan steel arrangement.

**SHORT-SUPPLY REVIEW NUMBER:** 44.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 4(b)(3)(B) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 357.104(b) of the Department of Commerce's Short-Supply Procedures, 19 CFR 357.104(b) ("Commerce's Short-Supply

Procedures"), the Secretary hereby announces that a short-supply request is under review with respect to certain Type 409 CB welding quality stainless steel wire rod used in the automotive industry for exhaust systems. On February 28, 1991, the Secretary received an adequate petition from the Stainless Committee of the American Wire Producers Association ("AWPA"), on behalf of three companies, requesting a short-supply allowance for 1,025 metric tons of this product for April-December 1991 under Article 8 of the Arrangement Between the European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products and Paragraph 8 of the Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Certain Steel Products. The AWPA requested short supply for this product because domestic stainless rod producers are unable or unwilling to meet AWPA members' needs, and potential foreign suppliers have no regular export licenses available for this product.

The requested material meets the following specifications:

1. *Chemistry:*

	Range	Aim
Carbon	0.05 Max	Low
Manganese	0.45-0.75 Max	0.55-0.75
Phosphorus	0.028 Max	
Sulfur	0.028 Max	
Silicon	0.45-0.75 Max	0.55-0.75
Nickel	0.50 Max	
Chromium	11.00-12.00	
Molybdenum	0.50 Max	Low
Iron	Balance	
Copper	0.25 Max	Low
Aluminum	0.10 Max	
Columbium	10XC Min./0.60 Max.	
Nitrogen	Report	
Co + Ti + V =	<0.50	

2. *Size:* 0.218 inch (5.5mm) Diameter
3. *Size Tolerance:* ±0.008 inch (0.20mm)
4. *Condition:* Hot-rolled, annealed and pickled rod for redraw.
5. *Tensile:* 70,000 PSI Max.
6. *Reduction:* 75% Min.
7. *Inclusions:* #3 Heavy Max.
8. *Grain Size:* Aim ASTM 4 to 7.
9. *Ovality:* 0.011 inch (0.28mm) Max.
10. *Surface:*
  - Individual surface imperfections: 0.006 inch (0.152mm) max.
  - Cumulative surface imperfections: 0.012 inch (0.305mm) max.
11. *Metallurgical Structure:* Tensile and Reduction—Average results on 10% sample. (Minimum 2 samples).

Section 4(b)(4)(B)(ii) of the Act and Section 357.106(b)(2) of Commerce's Short-Supply Procedures require the

Secretary to make a determination with respect to a short-supply petition not later than the 30th day after the petition is filed, unless the Secretary finds that one of the following conditions exists: (1) the raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary finds that none of these conditions exist with respect to the requested product, and therefore, the Secretary will determine whether this product is in short supply not later than March 28, 1991.

*Comments:* Interested parties wishing to comment upon this review must send written comments not later than March 12, 1991 to the Secretary of Commerce, Attention: Import Administration, Room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. Interested parties may file replies to any comments submitted. All replies must be filed not later than 5 days after March 12, 1991. All documents submitted to the Secretary shall be accompanied by four copies. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

Any person who submits information in connection with a short-supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates as proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly concerned with the short-supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction.

Each submission of proprietary information shall be accompanied by a full public summary or approximated presentation of all proprietary information which will be placed in the public record. All comments concerning this review must reference the above noted short-supply review number.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Freilich or Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, Pennsylvania Avenue and 14th Street NW.,

Washington, DC 20230, (202) 377-0408 or (202) 377-0159.

Dated: February 28, 1991.

**Eric I. Garfinkel,**  
Assistant Secretary for Import  
Administration.

[FR Doc. 91-5294 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-09-M

## National Oceanic and Atmospheric Administration

### Mid-Atlantic Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council and its Committees will hold public meetings on March 5-7, 1991, at the Ramada Inn, 76 Industrial Highway, Essington, PA (telephone: 215-521-9600). The Council will begin its meeting on March 5 at 8:30 a.m., and is scheduled to adjourn on March 7 at approximately noon. The Council's Committees will begin meeting late in the morning of March 5. At the time of publication of this notice, the Council's Squid/Mackerel/Butterfish and Law Enforcement Committees were scheduled to hold meetings.

The Council will consider a possible amendment of the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan. Committee reports will be presented and other fishery matters, as deemed necessary, will be discussed. The Council also may hold a closed session (not open to the public), to discuss personnel and/or national security matters.

For more information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: February 27, 1991.

**David S. Crestin,**  
Deputy Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.

[FR Doc. 91-5088 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-22-M

### Pacific Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will meet on March 11-15, 1991, at the Clarion Hotel, 401 East Millbrae Avenue, Millbrae, CA. Except as noted

below, the meetings are open to the public.

The Council will begin its meeting on March 12 at 8 a.m. to begin formulating management options for the 1991 ocean salmon fisheries. The Council will reconvene on March 13, at 8 a.m., with a closed session (not open to the public), to discuss litigation and personnel matters. On March 13, the Council will consider an emergency request for a total salmon bycatch limit to be placed on the 1991 whiting fishery. Recent salmon stock abundance projections for 1991 reveal that certain chinook stocks are expected to be at low levels. The Council is concerned about increased effects on chinook stocks. The salmon bycatch in the 1991 Pacific whiting fishery could increase significantly in the operations by large domestic factory trawlers. Council groundfish management issues also will be discussed. On March 14 at 10 a.m., the Council will reconvene to continue the discussion of groundfish management issues. On March 15 the Council will discuss anchovy and jack mackerel management, administrative matters, and conclude after adopting 1991 salmon management options for public review.

**Salmon management issues:** (1) 1991 options for public review; (2) measures to protect Sacramento River winter chinook; (3) status of the Endangered Species Act review of several Columbia River salmon stocks; (4) review of stocks which have not met escapement goals for three consecutive years; (5) status report on possible issues to be addressed in the next salmon plan amendment; and (6) the schedule of public hearings on 1991 salmon management options.

**Groundfish management issues:** (1) Final action on a license limitation program; (2) review of the California measure prohibiting use of gillnets to harvest rockfish; (3) status report on management of the offshore processing fleet; (4) Pacific whiting allocations between shoreside and at-sea segments of the fishery in 1991 and for the long term; (5) minimum mesh size for bottom trawls; (6) black rockfish management off Washington; (7) foreign vessel permit applications for 1991; (8) revisions to the annual groundfish management cycle; (9) alternative trawl fishery management strategies; (10) desirability and feasibility of a comprehensive observer program; and (11) Council guidance on long-term sablefish management.

**Anchovy management:** The Council is scheduled to take final action on an optimum yield for the reduction fishery, after reviewing U.S. Fish and Wildlife Service information on impacts on the endangered California brown pelican.

The Council also will determine the need for a jack mackerel fishery management plan.

The Council will accept public comments on issues not on its agenda on March 13, at 4 p.m.

The *Scientific and Statistical Committee* will meet on March 11 at 9 a.m., to address scientific issues on the Council's agenda, and will reconvene on March 12 at 8 a.m.

The *Salmon Advisory Subpanel* will meet on March 11 at 8 a.m., to address salmon fishery management issues on the Council's agenda, and will reconvene on March 12-15 at 8 a.m., or as necessary, to complete its agenda.

The *Salmon Technical Team* will meet as necessary on March 11-15 to assist the Salmon Advisory Subpanel, and to prepare impact analyses for management options.

The *Ad Hoc Trawl Group* will meet on March 11 at 1 p.m., to begin discussing alternative trawl management measures.

The *Groundfish Advisory Subpanel* will meet on March 11 at 3 p.m., to discuss groundfish management items on the Council's agenda, and will reconvene on March 12 at 8 a.m.

The *Foreign Fishing Committee* will meet on March 14 at 8 a.m., to review foreign vessel permit applications.

Detailed agendas for the above meetings will be available to the public after February 28, 1991. For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW, First Avenue, Portland, OR 97201; telephone: (503) 326-6352.

Dated: February 27, 1991.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91-5089 Filed 3-4-91; 8:45 am]

BILLING CODE 3510-22-M

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## CONSUMER PRODUCT SAFETY COMMISSION

### Notification of Request for Extension of Approval of Collection of Information About Product-Related Injuries

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of

approval through May 31, 1994, of a collection of information about product-related injuries.

Section 5(a) of the Consumer Product Safety Act (15 U.S.C. 2054(a)) requires the Commission to collect information related to the cause and prevention of death, injury, and illness associated with consumer products, and to conduct continuing studies and investigations of deaths, injuries, diseases, and economic losses resulting from accidents involving consumer products. The Commission uses this information to support rulemaking proceedings, development and improvement of voluntary standards, information and education programs, and administrative and judicial proceedings to remove unsafe products from the marketplace and consumers' homes.

Persons who have been involved in or who have witnessed accidents associated with consumer products are an important source of information about deaths, injuries, and illnesses resulting from such accidents. From consumer complaints, newspaper accounts, death certificates, hospital emergency room reports, and other sources, the Commission selects a limited number of accidents for investigation. These investigations may involve face-to-face interviews with accident victims or witnesses, or telephone interviews with those persons.

### Additional Details About the Request for Extension of Approval of Information Collection Requirements

**Agency address:** Consumer Product Safety Commission, Washington, DC 20207.

**Title of information collection:** Follow-Up Activities for Product-Related Injuries.

**Type of request:** Extension of approval.

**Frequency of collection:** One time for each respondent.

**General description of respondents:** Persons who have been involved in, or who have witnessed, accidents.

**Estimated number of respondents:** 2,200 to be interviewed by telephone; 700 to be interviewed at the accident site.

**Estimated average number of hours per respondent:** 0.34 for each telephone interview; 5.0 for each on-site interview.

**Estimated number of hours for all respondents:** 4,248.

**Comments:** Comments on this request for extension of approval of information collection requirements should be addressed to Elizabeth Harker, Desk Officer, Office of Information and

Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395-7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492-6416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: February 27, 1991.

Sadye E. Dunn,

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 91-5144 Filed 3-4-91; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Joint Defense Science Board/Defense Policy Board Task Force on Chemical Weapons Policy; Meeting

**SUMMARY:** Notice of advisory committee meeting.

**ACTION:** The Joint Defense Science Board Task Force on Chemical Weapons Policy will meet in closed session on 25 March, 1991, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will evaluate chemical weapons policy and technology issues, including verification implications and intelligence priorities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1988), and that accordingly this meeting will be closed to the public.

Dated: February 28, 1991.

Linda M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 91-5124 Filed 3-4-91; 8:45 am]

BILLING CODE 3610-01-M

#### The Joint Staff; Joint Strategic Target Planning Staff (JSTPS), Scientific Advisory Group; Meeting

**AGENCY:** Joint Strategic Target Planning Staff, Department of Defense.

**ACTION:** Notice of meeting.

**SUMMARY:** The Director of Strategic Target Planning has scheduled a meeting of the Scientific Advisory Group.

**DATES:** The meeting will be held on 4-5 April 1991.

**ADDRESSES:** The meeting will be held at Offutt AFB, Nebraska 68113.

**FOR FURTHER INFORMATION CONTACT:**

The Joint Strategic Target Planning Staff, Scientific Advisory Group, Offutt AFB, Nebraska 68113.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to discuss strategic issues which relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified TOP SECRET in accordance with Executive Order 12356, 2 April 1982. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to-know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense. Accordingly, the meeting will be closed in accordance with 5 U.S.C. App II Para 10(d) (1976), as amended.

Dated: February 27, 1991.

Linda M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 90-5125 Filed 3-4-91; 8:45 am]

BILLING CODE 3610-01-M

#### Privacy Act of 1974; Deletion and Amendment of Record System Notices

**AGENCY:** Office of the Secretary of Defense (OSD), DOD.

**ACTION:** Deletion and amendment of record systems notices.

**SUMMARY:** The Office of the Secretary of Defense proposes to delete four and amend thirteen record system notices to its inventory of record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The amendments consist of changing the system identification numbers to coincide with administrative office designation changes.

**DATES:** The proposed actions will be effective without further notice on April 4, 1991, unless comments are received

that would result in a contrary determination.

**ADDRESSES:** Mr. Dan Cragg, OSD Privacy Act Officer, OSD Records Management and Privacy Act Branch, Room 5C315, Pentagon, Washington, DC 20301-1155. Telephone (703) 695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense record system notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) have been published in the *Federal Register* as follows:

50 FR 22090, May 29, 1985 (DoD Compilation, changes follow)

50 FR 47087, Nov. 14, 1985

51 FR 11807, Apr. 7, 1986

51 FR 17508, May 13, 1986

51 FR 44668, Dec. 11, 1986

52 FR 23334, Jun. 19, 1987

53 FR 15868, May 4, 1988

53 FR 27894, Jul. 25, 1988

54 FR 33758, Aug. 16, 1989

54 FR 43314, Oct. 24, 1989

55 FR 17655, Apr. 26, 1989

55 FR 20180, May 15, 1990

55 FR 21429, May 24, 1990

55 FR 35449, Aug. 30, 1990

55 FR 49405, Nov. 28, 1990

The amended systems are not within the purview of subsection (r) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) which requires the submission of an altered system report. The specific changes to the record systems being amended are provided below.

Dated: February 27, 1991.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

#### Deletions

*System identification and name:*

DMRA&L 03.0, Employer Support File (PLEDGE) (50 FR 22293, May 29, 1985).

*Reason:*

System is no longer required.

*System identification and name:*

DMRA6L 10.0, Equal Opportunity Complaint File (50 FR 22296, May 29, 1985).

*Reason:*

System is covered by EEOC Gov't 1, Equal Employment Opportunity Complaint Records and Appeal Records

*System identification and name:*

DMRA&L 19.0, Automated Career Management System (ACMS) (50 FR 22297, May 29, 1985).

*Reason:*

System is no longer required.



**System identification and name:**

JOJCS005CRIS, Command Resources Information System (CRIS) (51 FR 23573, June 30, 1986).

**Reason:**

System is no longer required.

**AMENDMENTS****System identification and name:**

From: DMRA&L 01.0, Teacher Correspondence Files to: DODDS 01.0, Teacher Correspondence Files.

**System identification and name:**

From: DMRA&L 02.0, Educator Application Files to: DODDS 02.0, Educator Application Files.

**System identification and name:**

From: DMRA&L 17.0, DoD Teacher Back Pay Project to: DODDS 17.0, DoD Teacher Back Pay Project.

**System identification and name:**

From: DMRA&L 21.0, DoDDS Grievance Records to: DODDS 21.0, DoDDS Grievance Records.

**System identification and name:**

From: DMRA&L 22.0, DoDDS Children's School Program Files to: DODDS 22.0, DoDDS Children's School Program Files.

**System identification and name:**

From: DMRA&L 23.0, Educator Certification/Recertification Files to: DODDS 23.0, Educator Certification/Recertification Files.

**System identification and name:**

From: DUSDRE 02, ODDR&E Personnel Administration Files to: DUSDA 02.0, DUSD(A) Personnel Administration Files.

**System identification and name:**

From: DUSDRE 04.0, Requests for Two-Year Foreign Residence Waiver Files to: DUSDA 04.0, Requests for Two-Year Foreign Residence Waiver Files.

**System identification and name:**

From: DMRA&L 06.0, DoD Priority Placement Program (STOPPER LIST) to: DFM&P 06.0, DoD Priority Placement Program (STOPPER LIST).

**System identification and name:**

From: DMRA&L 07.0, DoD Overseas Employment Program to: DFM&P 07.0, DoD Overseas Employment Program.

**System identification and name:**

From: DMRA&L 09.0, Defense Equal Opportunity Management Institute to: DFM&P 09.0, Defense Equal Opportunity Management Institute.

**System identification and name:**

From: DMRA&L 15.0, Reports of Defense-Related Employment to: DGC 15.0, Report of Defense-Related Employment.

**System identification and name:**

From: DMI&L 24.0, Joint Service Review Activity File to: DFM&P 24.0, Joint Service Review Activity File.

[FR Doc. 91-5126 Filed 3-4-91; 8:45 am]

BILLING CODE 3810-01-M

**Department of the Air Force****USAF Scientific Advisory Board Meeting**

The USAF Scientific Advisory Board Technology Strategy Cross-Matrix Panel will meet on 22 March 1991 from 8 a.m. to 5 p.m. at the Pentagon, Washington, DC.

The purpose of this meeting is to review the task and develop a roadmap for the study.

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) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 91-5115 Filed 3-4-91; 8:45 am]

BILLING CODE 3910-01-M

**Corps of Engineers, Department of the Army****Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the California Department of Water Resources Los Banos Grandes Facilities on Los Banos Creek in Merced County, CA**

**AGENCY:** U.S. Army Corps of Engineers, Sacramento District, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The California Department of Water Resources has applied for a Department of the Army permit to discharge fill materials under section 404 in to Los Banos Creek and its tributaries in Merced County, California. The proposed project would create an off stream storage reservoir with a storage capacity between 1.73 million acre-feet (MAF) and 2.03 MAF. The reservoir would provide off stream storage of water exported from the Sacramento-San Joaquin Delta. The larger capacity reservoir would also include a

State Water Project/Electric Utility facility. Principal features of the proposed project include: A main dam, three saddle dams, a pumping/generating plant with inlet/outlet works at the base of the main dam, an emergency spillway, and a conveyance channel connecting the existing Los Banos Reservoir with the new pumping/generating plant. Modifications of the Los Banos Detention Dam spillway would also be required, along with construction of a pumping/generating plant, penstock and inlet/outlet works.

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and DEIS can be answered by: Jean Elder, Corps of Engineers, Regulatory Section, 650 Capitol Mall, Sacramento, California 95814, (916) 551-2270.

The Bureau of Reclamation (BOR) filed a notice of intent to prepare a joint environmental impact statement/environmental impact report for the Los Banos Grandes Offstream Storage Project pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The notice was published in the Federal Register, Vol. 52, No. 175, Thursday, September 10, 1987, with the California Department of Water Resources, project proponent as lead agency under CEQA and the BOR Federal lead agency under NEPA. However, the Bureau is no longer a project participant and the Corps of Engineers, as a Federal permitting agency, has assumed the Federal lead agency responsibilities under NEPA. The Corps is neither a project proponent nor a project opponent.

The DWR has prepared a Department of Water Resources Los Banos Grandes Facilities Draft Environmental Impact Report, December 1990 based upon the comments received during the scoping of the project. The EIR identifies three combinations of reservoir sites as alternatives to the applicant's proposed activities. However, the applicant states that there is only one practicable alternative. The DEIR was circulated to the public for review and comment with a transmittal letter dated December 21, 1990. The end of comment period is March 31, 1991. The Corps of Engineers will issue a public notice of application for a Department of the Army permit with a comment period concurrent with that of DWR, ending March 31, 1991. The DWR has scheduled the following two public hearings concerning the project: (1) February 26, 1991, 1 p.m., Resources Building Auditorium, 1416 Ninth Street, Sacramento, California 95814; and (2) February 28, 1991 at 7 p.m., City Hall

Council Chambers, 520 J Street, Los Banos, California 93635.

The Corps of Engineers will not make a decision to issue, to issue with conditions, or to deny a permit for the proposed activities until a final EIS has been prepared and circulated to the public for review and comment, concluding the NEPA process. Consultation under section 106 of the Historic Preservation Act and under section 7 of the Endangered Species Act must also be concluded before a Department of the Army permit decision is made.

All interested parties are requested to review the DEIR prepared by DWR and to provide comments to the Corps of Engineers. Comments will be used by the Corps to make a decision whether to adopt the DEIR as a DEIS, to issue a revised DEIS, or to issue a supplemental DEIS. Copies of the DEIR may be obtained by contacting Jean Elder, Corps of Engineers, Sacramento, District, 650 Capitol Mall, Sacramento, California 95814, or by telephone at (916) 551-2270.

John O. Roach II

Army Liaison Officer with the Federal Register.

[FR Doc. 91-5062 Filed 3-4-91; 8:45 am]

BILLING CODE 3710-07-M

### Corps of Engineers; Department of the Army

#### Intent to Prepare a Draft Environmental Impact Statement (EIS), Supplement II to the Draft Environmental Impact Statement Upper Saginaw River Diked Disposal Facility at Crow Island State Game Area, Saginaw and Bay Counties, Michigan

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** A confined disposal facility (CDF) project is proposed for placement of backlog and maintenance materials to be dredged from the Saginaw River Navigation Project, Saginaw and Bay Counties, Michigan. Sediments in the Federal project area of the river contain contaminants and must be contained. The Detroit District has completed the preliminary site selection for a location to construct the CDF. Proposed disposal sites are located in Bay County, Michigan. The Crow Island State Game Area is no longer a disposal site alternative. Dikes would be constructed of impervious clay, and after use of the diked facility is ended, the CDF would be capped with clay.

#### FOR FURTHER INFORMATION CONTACT:

Questions about the proposed action and Supplement II DEIS can be answered by: Mr. Thomas M. Freitag, U.S. Army Engineer District, Detroit, Environmental Analysis Branch, P.O. Box 1027, Detroit, Michigan 48231-1027, Commercial telephone number: 313-226-6753, FTS telephone number: 226-6753.

**SUPPLEMENTARY INFORMATION:** This work is proposed under section 123 of the River and Harbor Act of 1970 (Pub. L. 96-611). Plans for a CDF were outlined in a draft Environmental Impact Statement (EIS) dated November 1984 (Notice of availability; FR 49 (232), dated November 30, 1984), and later in a draft Supplement I EIS dated June 1986 (Notice of Availability, FR 51 (128); dated July 3, 1986).

Twenty-nine sites have been evaluated since the 1986 Supplement I (DEIS). Selection criteria included: suitability of material (impervious clay), nearness to the dredging, and others. Six sites were judged to be feasible. Further review is needed before a final site selection can be made. These sites are:

a. Cheboyganing Creek Combined Site; (combines sites D, H, I, and 40 acres additional); (sections 15 and 16, Portsmouth Township). Three dike configurations are presently proposed.

b. Site C is a 96 acre site on the south side of Schuerman Road about two miles east of the Saginaw River, in section 14, Portsmouth Township.

c. Site D is a 140 acre site, adjacent to east bank of Cheboyganing Creek in section 15, Portsmouth Township.

d. Site G is a 187 acre site, east of James Clements Municipal Airport between Chesapeake and Ohio Railroad tracks and Lincoln Road in section 9, Portsmouth Township.

e. Site H is a 60 acre site, adjacent to the Saginaw River at the mouth of Cheboyganing Creek in section 16, Portsmouth Township.

f. Site I is a 70 acre site, along Russell Road and south in sections 15 and 16, Portsmouth Township.

These alternatives are being further evaluated. The specific site and CDF configuration have not been determined.

If the no action alternative were considered, a CDF would not be constructed, and dredging of the Upper Saginaw River would cease. This alternative is not considered feasible, since the navigation project area would eventually shoal to a depth that would not allow ship traffic to enter the river.

The Council on Environmental Quality Regulations for Implementing the Procedural Provisions of National Environmental Policy Act do not require scoping for supplemental DEISes. Since the first Supplement (1986), the Corps of Engineers has had continuing coordination with various State and

Federal Agencies and environmental groups including: the U.S. Department of Interior, Fish and Wildlife Service, the Michigan Department of Natural Resources, the U.S. Environmental Protection Agency, and local government agencies in the project area.

**Significant issues.** The presence of polychlorinated biphenyls (PCBs) and dioxins in the sediments has necessitated the design of a diked facility. PCBs and dioxins are contaminants which strongly associate with silt and clay particles. The diked retention areas of the facility would be constructed to minimize return of these suspended sediments (solids) to the river and maximize retention of materials in the CDF. Once the facility is filled, impervious clay would be placed over the dredged material to seal it from the environment.

The proposed action will be reviewed for compliance with the following: Archeological and Historic Preservation Act, as amended, 16 U.S.C. 469, *et seq.*; Clean Air Act, as amended, 42 U.S.C. 1857h-7, *et seq.*; Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*; Endangered Species Act, as amended, 16 U.S.C. 1531, *et seq.*; Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661, *et seq.*; Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1401, *et seq.*; National Historic Preservation Act, as amended, 16 U.S.C. 470a, *et seq.*; National Environmental Policy Act, as amended, 42 U.S.C. 4321, *et seq.*; and Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271, *et seq.* The proposed action will also be reviewed for compliance with Executive Orders and Memoranda: Flood Plain Management (E.O. 11988); Protection of Wetlands (E.O. 11990); Analysis of Impacts on Prime and Unique Farmlands (CEQ Memorandum, 11 Aug 1980); and Intergovernmental Review of Federal Programs (E.O. 12372). Also, environmental regulations of the Corps of Engineers would be considered including: 33 CFR part 230, Corps of Engineers Department of the Army: Policy and Procedures for Implementing NEPA (ER 200-2-2).

All are invited to participate in the proposed project review including affected Federal, State and local agencies, affected Indian tribes, and other interested private organizations and parties. Coordination with Federal, State and local agencies has been and will continue to be maintained through a series of meetings and mailings. During the DEIS public comment period, a public hearing will be scheduled, if necessary. It is anticipated that the draft

Supplement will be available to the public in September 1991.

Richard Kanda,

Colonel, U.S. Army District Engineer.

[FR Doc. 91-5116 Filed 3-4-91; 8:45 am]

BILLING CODE 3710-GA-M

## DEPARTMENT OF EDUCATION

### Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Office of Information Resources Management, 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 April 4, 1991.

**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 Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Mary P. Liggett (202) 708-5174.

**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 Acting Director, Office of Information Resources Management, 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 Mary P. Liggett at the address specified above.

Dated: February 27, 1991.

Mary P. Liggett,

Acting Director, Office of Information Resources Management.

### Office of Postsecondary Education

*Type of review:* Extension

*Title:* Guaranteed Student Loan Tape Dump

*Frequency:* Annually

*Affected Public:* State or local governments; Non-profit institutions

*Reporting burden:*

*Responses:* 72

*Burden hours:* 4158

*Recordkeeping burden:*

*Recordkeepers:* 0

*Burden hours:* 0

*Abstract:* This information is collected to describe the characteristics of borrowers under the Guaranteed Student Loan (GSL) Program and to monitor borrower fraud and abuse in the programs. The Department uses this information to report to Congress.

### Office of Postsecondary Education

*Type of review:* Reinstatement.

*Title:* Petition for Recognition of Accrediting Agencies

*Frequency:* Every five years

*Affected Public:*

*Reporting burden:*

*Responses:* Burden hours:

*Recordkeeping burden:*

*Recordkeepers:* 96

*Burden hours:* 96

*Abstract:* Accrediting agencies must submit this information to enable the Department to determine which applicant accrediting agencies are reliable authorities concerning the quality of education or training offered by the postsecondary educational institutions or programs within the agencies scope of operation.

[FR Doc. 91-5095 Filed 3-4-91; 8:45 am]

BILLING CODE 4000-01-M

### Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Office of Information Resources Management, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** An emergency review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by February 28, 1991.

**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 Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Mary P. Liggett, (202) 708-5174.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons 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, Office of Information Resources Management, publishes this notice with attached proposed information collection requests prior to submission of these requests to OMB. For each proposed information collection request, grouped by office, this notice contains the following information: (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 and/or Recordkeeping burden and (6) Abstract. Because an expedited review is requested, the information collection request is also included as an attachment to this notice.

Dated: February 27, 1991.

Mary P. Liggett,

Acting Director, Office of Information,  
Resources Management.

**Office of Postsecondary Education**

*Type of review:* Emergency.

*Title:* Criteria for Establishing State Nominating Committees under the National Science Scholars Program.

*Abstract:* These criteria will be used by States to establish Nominating Committees to qualify students for scholarships under the National Science Scholars Program.

*Additional information:* An emergency clearance is requested for the recently enacted Public Law 101-589, the Excellence in Mathematics, Science and Engineering Education Act, which was signed by the President on November 16, 1990. Under this law, the President will select scholars from the nominations made by State nominating committees. The Department of Education has developed guidance to the States regarding the composition of their nominating committees. In order for ED to make awards in FY 1991, the States must submit a list of the proposed members of their nominating committees and secure Department of Education approval for those committees.

An emergency approval will allow time for the States to establish the necessary committees, secure ED approval and announce State scholarship competitions in time to make awards before the next school year.

*Frequency:* One time only

*Affected public:* State or local Governments

*Reporting burden:*

*Responses:* 56

*Burden hours:* 672

*Recordkeeping burden:*

*Recordkeepers:* 0

*Burden hours:* 0

[FR Doc. 91-5096 Filed 3-4-91; 8:45 am]

BILLING CODE 4000-01-M

**Office of Special Education and Rehabilitative Services**

[CFDA No. 84.132]

**Centers for Independent Living (CIL),  
New Awards for Fiscal Year 1991**

**ACTION:** Cancellation notice.

On September 17, 1990, the Secretary published in the Federal Register [55 FR 38129] an announcement of a competition for new awards for Centers for Independent Living. The purpose of the competition was to provide grants for the establishment and operation of

Centers for Independent Living that provide a combination of the independent living services described in section 711(c) of the Rehabilitation Act of 1973, as amended. Subsequently, Congress enacted the Department of Education Appropriations Act, 1991, which provides "That, until October 1, 1991, the funds appropriated to carry out section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) shall be used to support entities currently receiving grants under the section." Therefore, the previously announced fiscal year 1991 competition has been cancelled.

Continuation application packages are being sent to the current Title VII, Part B grantees. The closing date for the continuation applications in March 11, 1991, and awards are expected to be made by the end of July 1991.

**FOR FURTHER INFORMATION CONTACT:**

Victor Galloway, Independent Living Branch, Rehabilitation Services Administration, 330 C Street, SW., room 3316, Washington, DC 20202-2741. Telephone: (202) 732-1408 (Voice) or (202) 732-1352 (TDD).

Dated: February 26, 1991.

Robert R. Davila,

Assistant Secretary, Office of Special Education, and Rehabilitative Services.

[FR Doc. 91-5097 Filed 3-4-91; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No. 84.221]

**Native Hawaiian Special Education Program; Invitations for Applications for New Awards for Fiscal Year 1991**

Purpose of program: To support projects that address the special education needs of Native Hawaiian students. This program is authorized by section 4007 of Public Law 100-297 (April 28, 1988).

Eligible applicants: The State of Hawaii and Native Hawaiian organizations are eligible to apply for grants under this program.

Deadline for transmittal of applications: May 1, 1991.

Deadline for intergovernmental review: July 1, 1991.

Applications available: March 8, 1991.

Available funds: \$584,000.

Project period: up to 12 months.

Estimated number of awards: 1.

Note: The Department is not bound by any estimates in this notice.

Applicable regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 85 and 86.

Weighting for selection criteria: The Education Department General

Administrative Regulations at 34 CFR 75.210(c) authorize the Secretary to distribute an additional 15 points among the selection criteria in 34 CFR 75.210 to bring the total possible points to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

*Plan of operation:* (§ 75.210(b)(3)). Ten (10) additional points will be added for a possible total of 25 points for this criterion.

*Quality of key personnel:* (§ 75.210(b)(4)). Three (3) additional points will be added for a possible total of 10 points for this criterion.

*Adequacy of resources:* (§ 75.210(b)(7)). Two (2) additional points will be added for a possible total of 5 points for this criterion.

**FOR APPLICATIONS OR FURTHER INFORMATION CONTACT:** Linda Glidewell, Division of Innovation and Development, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW., (Switzer Building, room 3524-MS 2640) Washington, DC 20202. Telephone: Linda Glidewell [202] 732-1099; TDD [202] 732-6153.

Authority: 20 U.S.C. 4007 and 4008.

Dated: February 26, 1991.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 91-5098 Filed 3-4-91; 8:45 am]

BILLING CODE 4000-01-M

**DEPARTMENT OF ENERGY**

**Oak Ridge Operations; Determination of Noncompetitive Financial Assistance**

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice.

**SUMMARY:** DOE announces that pursuant to 10 CFR 600.7(b)(2), it intends to issue on a noncompetitive basis a renewal to Dawnbreaker, Rochester, New York, to continue providing training, through individual instruction, to recipients of SBIR (Small Business Innovative Research Program) Phase II awards. The period of performance for the renewal will be one year. The estimated cost is \$100,000.

**PROCUREMENT REQUEST NO.:** 05-91ER80688.001.

**PROJECT SCOPE:** This grant was awarded September 15, 1989, in response to DOE Program Solicitation No. DE-PS05-89ER80688. The grantee will continue to provide training to

recipients of SBIR Phase II awards and will select a larger number of SBIR companies for training than was used in the initial grant. Assistance will be provided in preparing business plans and business opportunity presentations, and in presenting these materials to potential sponsors in a Commercialization Opportunity Forum. The objective is to have companies trained and to provide each of them with contacts of prospective value. A secondary objective is to have these same companies well enough prepared so they can pursue cooperative and other financial agreements with parties outside of the Forum. Dawnbreaker has developed an exclusive capability to perform the requisite training, both through its prior experience and through the training methods and tools developed under the initial grant. Also, the rights to intellectual property developed under this project pass to Dawnbreaker under the regulations which apply to small businesses. Eligibility for renewal of this award is, therefore, restricted to Dawnbreaker.

**FOR FURTHER INFORMATION CONTACT:** Dr. Samuel J. Barish, SBIR Program Manager, U.S. Department of Energy, Office of Energy Research, ER-16, Washington, DC 20585, (301) 233-2917.

Issued in Oak Ridge, Tennessee, on February 25, 1991.

Peter D. Dayton,

Director, Procurement and Contracts Division, Oak Ridge Operations Office.

[FR Doc. 91-5163 Filed 3-4-91; 8:45 am]

BILLING CODE 6450-01-M

## FEDERAL ENERGY REGULATORY COMMISSION

[Docket Nos. QF91-81-000 et al.]

### J.D. Turner, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

#### 1. J.D. Turner

[Docket No. QF91-81-000]

February 22, 1991.

On February 15, 1991, J.D. Turner of 1003 S. St. James Blvd., Evansville, Indiana 47714, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in Gibson County, Indiana and will consist of a reciprocating engine generator set. The

electric power production capacity will be 750 kW. The primary energy source will be waste in the form of methane gas extracted from an abandoned coal mine. Construction of the facility is expected to commence by September 1991.

*Comment date:* Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

#### 2. N.B. Partners, Ltd., A Limited Partnership

[Docket No. QF88-412-003]

February 25, 1991.

On February 19, 1991, N.B. Partners, Ltd., A Limited Partnership of 9171 Towne Centre Drive, suite 400, San Diego, California 92122 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility is located in Grant County, West Virginia, and consists of two circulating fluidized bed boilers and an extraction/condensing steam turbine generator. In addition the facility includes an approximately 6.7 mile 115 kV transmission line. The primary energy source is bituminous coal refuse. The original certification was issued on October 28, 1988, 45 FERC ¶ 62,074. The instant recertification is requested due to an increase in the net electric power production capacity from 79.9 MW to 80.3 MW.

*Comment date:* Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Kansas Gas and Electric Co.

[Docket No. ER85-461-013]

February 25, 1991.

Take notice that on February 19, 1991, Kansas Gas and Electric Company (KG&E) tendered for filing its compliance filing in compliance with the Commission letter order issued on January 18, 1991.

*Comment date:* March 11, 1991 in accordance with Standard Paragraph E at the end of this notice.

#### 4. Tampa Electric Co.

[Docket No. ER91-25-000]

February 26, 1991.

Take notice that on February 21, 1991, Tampa Electric Company (Tampa Electric) tendered for filing an amendment to its October 12, 1990 submittal of a Letter of Commitment between Tampa Electric and Seminole Electric Cooperative, Inc. (Seminole). As

amended the Letter of Commitment provides for the sale by Tampa Electric to Seminole of up to 200 megawatts of capacity and energy.

Tampa Electric proposes an effective date of October 13, 1990, for the commitment of capacity and energy, and therefore requests waiver of the Commission's notice requirements.

Copies of the amendatory filing have been served on Seminole and the Florida Public Service Commission.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Missouri Public Service, a division of UtiliCorp United Inc.

[Docket No. ER91-208-000]

February 26, 1991.

Take notice that Missouri Public Service, a division of UtiliCorp United Inc. (MPS) on February 20, 1991, tendered for filing an amendment to its January 8, 1991 change in its FERC Electric Service Tariffs for wholesale firm power service to the City of Odessa located in the state of Missouri. In response to a request from FERC staff, MPS' amendment supplements its January 8, 1991 filing by providing additional support for the treatment of reserve costs. Relying on the fact that this amendment merely provides additional data, and does not change the original rate filing, MPS is also requesting a waiver of the Commission's Regulations in order to permit the contract to become effective as of the date of the original filing, January 8, 1991.

Copies of this filing were served upon the City of Odessa whose contract would be affected thereby and upon the Public Service Commission of Missouri.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 6. The United Illuminating Co.

[Docket No. ER91-265-000]

February 26, 1991.

Take notice that on February 19, 1991, The United Illuminating Company (UI) tendered for filing rate schedules for short-term, coordination transactions involving the sale of capacity entitlements to Canal Electric Company (Canal) and Boston Edison Company (Boston Edison). The sales are pursuant to agreements under which service commenced April 1, 1989 and terminated April 30, 1989. UI proposes that the rate schedules commence and terminate on those same dates and, by its February 19, 1991 filing, gives notice of termination.

The service under the agreements is the provision of capacity entitlements and associated energy and transmission from UI's Bridgeport Harbor Station Unit 3, a coal-fired generating unit.

Copies of the filing were served upon Canal and Boston Edison and on the public utility commissions in the states in which those companies serve at retail.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 7. The United Illuminating Co.

[Docket No. ER91-266-000]

February 26, 1991.

Take notice that on February 19, 1991, The United Illuminating Company (UI) tendered for filing a rate schedule for a one-year, coordination transaction involving the sale of capacity entitlements to New England Power Company (NEPCO). The sale is pursuant to an agreement under which service commenced November 1, 1988 and terminated October 31, 1989. UI proposes that the rate schedule commence and terminate on those same dates and, by its February 19, 1991 filing, gives notice of termination.

The service under the agreement is the provision of capacity entitlements and associated energy and transmission from UI's portion of Millstone Unit 3, a nuclear generating unit, and from UI's Bridgeport Harbor Station Unit 3, a coal-fired generating unit.

Copies of the filing were served upon NEPCO and on the public utility commissions in the states in which NEPCO serves at retail.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 8. Kansas Gas and Electric Co.

[Docket No. ER91-267-000]

February 26, 1991.

Take notice that Kansas Gas and Electric Company on February 19, 1993, tendered for filing a proposed change in its FERC Electric Service Tariff No. 93. The proposed KPL Letter of Intent specifies the amount of transmission capacity requirements for four Delivery Points for the period June 1, 1993 through May 31, 1992.

The KPL Letter of Intent is required by the terms of the service schedule.

Copies of this filing were served upon the Kansas Power and Light Company and the Kansas Corporation Commission.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 9. Southern California Edison Co.

[Docket No. ER91-270-000]

February 26, 1991.

Take notice that on February 21, 1991, Southern California Edison Company (Edison) tendered for filing the Supplemental Agreement Between Southern California Edison Company the City of Anaheim for the Integration of the Anaheim Combustion Turbine which is a Supplemental agreement to Edison Rate Schedule 246.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 10. PacifiCorp Electric Operations

[Docket No. ER91-271-000]

February 26, 1991.

Take notice that PacifiCorp Electric Operations (PacifiCorp), on February 21, 1991, tendered for filing, in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations, Exhibit A (Revision No. 14, effective September 30, 1990) to the February 25, 1976 Transmission Agreement (PacifiCorp Rate schedule FPC No. 123), between PacifiCorp and Tri-State Generation and Transmission Association, Inc. (Tri-State).

Exhibit A to the Transmission Agreement is revised annually in accordance with Article 6 (b) of the Transmission Agreement, and specifies the projected maximum integrated demand in kilowatts which Tri-State desires to have transmitted to defined Points of Delivery for a four year rolling period.

PacifiCorp respectfully requests that a waiver of the prior notice requirements 18 CFR 35.3 be granted pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations and that an effective date of September 30, 1990 be assigned, this date being consistent with the provisions of article 6(b) of the Transmission Agreement.

Copies of this filing were served upon Tri-State and the Wyoming Public Service Commission.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 11. PacifiCorp Electric Operations

[Docket No. ER91-272-000]

February 26, 1991.

Take notice that PacifiCorp Electric Operations (PacifiCorp) on February 21, 1991, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Non-firm

Transmission Agreement (Agreement) between PacifiCorp Electric Operations (PacifiCorp) and Idaho Power Company (Idaho) dated January 18, 1991.

Under terms of the Agreement, PacifiCorp will provide nonfirm transmission services for energy transfers on PacifiCorp's transmission system between Idaho's system and PacifiCorp's points of interconnection at Four Corners switchyard and with Nevada Power Company on the Red Butte-Harry Allen line.

PacifiCorp respectfully requests, pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations, that a waiver of prior notice be granted and that an effective date of January 18, 1991 be assigned to the Agreement, this date being consistent with the effective date shown on the Agreement.

Copies of this filing were supplied to Idaho Power Company, the Public Utility Commission of Oregon, the Utah Public Service Commission and the Idaho Public Utilities Commission.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

#### 12. Vermont Electric Power Co., Inc.

[Docket No. ER91-268-000]

February 26, 1991.

Take notice that Vermont Electric Power Company, Inc. (VELCO) on February 20, 1991, tendered for filing proposed changes in its FERC Tariff No. 235.

The nature of the change is as follows:

One of the Purchasers (BED) under the contract that is the subject of this filing, Rate Schedule No. 234 (the Power Purchase Agreement or the PPA), has assigned a portion of its rights to power and energy from the Vermont Yankee nuclear generating station, together with associated transmission rights, to CMEEC. The assignment is made by a contract entitled, Unit Contract; in that contract, the rights assigned are referred to as the Purchaser's Entitlement. Under the Letter Agreement filed in this matter, and insofar as it relates to the PPA, VELCO has agreed: (a) To send invoices to CMEEC for all charges, costs, expenses and liabilities related to the Purchaser's Entitlement; (b) to send a copy of each such invoice to BED; (c) to deliver the Purchaser's Entitlement to or for CMEEC so long as CMEEC has made timely payment of invoices sent to it; (d) to notify BED if CMEEC does not pay any invoice when due, or if it fails to perform any other obligation under the PPA that CMEEC has agreed to perform in exchange for the assignment of the Purchaser's Entitlement; (e) to afford BED a reasonable time to make such

payment or to perform such obligation before declaring a default against BED or pursuing any remedies against it; (f) except on such grounds as VELCO could otherwise object to BED's standing, not to object to CMEEC's standing to challenge rate changes or other filings with the Federal Energy Regulatory Commission affecting the Power Contract, dated February 1, 1968, between the Vermont Yankee Nuclear Power Corporation and various other parties, the Superseding Three Party Power Agreement, dated February 1, 1990 between VELCO and others, the PPA, or the Transmission Agreement, dated as of June 1, 1981 between VELCO, BED and others provided and to the extent that any such challenge is based on rights assigned to CMEEC by BED under the PPA; and (g) subject to the same proviso and qualification, not to object to CMEEC's standing to challenge any modification to the Vermont Yankee Power Contract, the Superseding Power Contract, the PPA or the Transmission Agreement.

VELCO states that the reasons for the change are as follows:

The change arises from a contract (the Unit Contract) between BED and CMEEC, pursuant to which the former agreed, with certain reservations to assign to the latter a portion of BED's rights under the PPA, together with associated transmission rights under the Transmission Agreement. Those rights, described in the Unit Contract as the Purchaser's Entitlement, consist of the right to a percentage share of BED's rights to power and energy from the Vermont Yankee nuclear generating station and associated transmission rights. The change will accommodate the assignment by providing for sending invoices to CMEEC directly, rather than through BED, by affording BED a grace period within which to avoid default if CMEEC fails to perform, and by acknowledging CMEEC's right to exercise other rights as BED's assignee.

Copies of the filing were served upon the following:

City of Burlington Electric Light Department; Connecticut Municipal Electric Energy Cooperative; Vermont Department of Public Service; Vermont Public Service Board.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

### 13. Minnesota Power & Light Co.

[Docket No. ER91-273-000]  
February 26, 1991.

Take notice that on February 20, 1991, Minnesota Power & Light Company

("Minnesota Power") submitted for filing an Amendment No. 1 to the Boswell 4 Operation, Ownership and Power Sales Agreement between Minnesota Power and Wisconsin Public Power Inc. System, and a correction to certain replacement capacity and energy rates previously filed in connection with the Boswell Agreement.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

### 14. Vermont Electric Power Co., Inc.

[Docket No. ER91-269-000]  
February 26, 1991.

Take notice that Vermont Electric Power Company, Inc. (VELCO) on February 20, 1991, tendered for filing proposed changes in its FERC Tariff No. 235.

The nature of the change is as follows:

One of the Purchasers (BED) under the contract that is the subject of this filing, Rate Schedule No. 234 (the Transmission Agreement or the TA), has assigned a portion of its rights to power and energy from the Vermont Yankee nuclear generating station, together with associated transmission rights, to CMEEC. The assignment is made by a contract entitled, Unit Contract; in that contract, the rights assigned are referred to as the Purchaser's Entitlement. Under the Letter Agreement filed in this matter, and insofar as it relates to the TA, VELCO has agreed: (a) To send invoices to CMEEC for all charges, costs, expenses and liabilities related to the Purchaser's Entitlement; (b) to send a copy of each such invoice to BED; (c) to deliver the Purchaser's Entitlement to or for CMEEC so long as CMEEC has made timely payment of invoices sent to it; (d) to notify BED if CMEEC does not pay any invoice when due, or if it fails to perform any other obligation under the TA that CMEEC has agreed to perform in exchange for the assignment of the Purchaser's Entitlement; (e) to afford BED reasonable time to make such payment or to perform such obligation before declaring a default against BED or pursuing any remedies against it; (f) except on such grounds as VELCO could otherwise object to BED's standing, not to object to CMEEC's standing to challenge rate changes or other filings with the Federal Energy Regulatory Commission affecting the Power Contract, dated February 1, 1968, between the Vermont Yankee Nuclear Power Corporation and various other parties, the Superseding Three Party Power Agreement, dated February 1, 1990 between VELCO and others, the TA, or the Power Purchase Agreement,

dated as of June 1, 1981 between VELCO, BED and others provided and to the extent that any such challenge is based on rights assigned to CMEEC by BED under the TA; and (g) subject to the same proviso and qualification, not to object to CMEEC's standing to challenge any modification to the Vermont Yankee Power Contract, the Superseding Power Contract, the TA or the Power Purchase Agreement.

VELCO states that the reasons for the change are as follows:

The change arises from a contract (the Unit Contract) between BED and CMEEC, pursuant to which the former agreed, with certain reservations, to assign to the latter a portion of BED's rights under the Power Purchase Agreement, together with associated transmission rights under the TA. Those rights, described in the Unit Contract as the Purchaser's Entitlement, consist of the right to a percentage share of BED's rights to power and energy from the Vermont Yankee nuclear generating station and associated transmission rights. The change will accommodate the assignment by providing for sending invoices to CMEEC directly, rather than through BED, by affording BED a grace period within which to avoid default if CMEEC fails to perform, and by acknowledging CMEEC's right to exercise other rights as BED's assignee.

Copies of the filing were served upon the following:

City of Burlington Electric Light Department; Connecticut Municipal Electric Energy Cooperative; Vermont Department of Public Service; Vermont Public Service Board.

*Comment date:* March 12, 1991, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 91-5079 Filed 3-4-91; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP91-780-000]

**Northwest Pipeline Corp.; Schedule for Public Scoping Meetings on Environmental Issues**

March 1, 1991.

On February 13, 1991, the Commission issued a notice of intent to prepare a draft environmental impact statement (DEIS) and request for comments on environmental issues for the Northwest Pipeline Expansion Project (56 FR 6843) filed in Docket No. CP91-780-000. The purpose of Northwest Pipeline Corporation's (Northwest) proposed facilities is to increase its pipeline capacity by approximately 534 million cubic feet of gas per day (MMcf/d) through the construction of approximately 625.7 miles of pipeline loop, the addition of compression totaling 148,250 horsepower, and the modification of other appurtenant facilities.

Northwest has recently filed applications for two projects which are related to Northwest Pipeline Expansion Project. The first project, filed in Docket No. CP91-1129-000, involves a proposal to construct a new 13,000-horsepower compressor station (the Ignacio Mainline Compressor Station) in La Plata County, Colorado. The new station would be used to compress gas on Northwest's mainline system. In the second application, filed in Docket No. CP91-1164-000, Northwest requests authority to provide certain gas transportation services using an existing pipeline which was constructed and available for service on January 31, 1991. An Environmental Assessment was completed for this project by the Bureau of Land Management and the Bureau of Indian Affairs in July 1990. No environmental impacts would be associated with authorizing the requested transportation services.

Although the two above-referenced filings are related to the Northwest Pipeline Expansion Project they are not dependent on the facilities which are the subject of the February 13, 1991 notice. Therefore, any environmental analyses which may be required for those projects will proceed on a separate schedule. The FERC staff intends,

however, to summarize the environmental impacts of the related projects in the environmental document being prepared for the Northwest Pipeline Expansion Project.

**Scoping Meetings**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) hereby announces the schedule of public scoping meetings on the above-referenced docket. The meetings will be conducted to identify the scope and significance of environmental impact associated with the proposal by Northwest. The schedule for the meetings is attached.

As referenced in the Commission's February 13, 1991 notice, the public scoping meetings are intended as an opportunity for state and local governments and the general public to provide information and assistance directly to the FERC staff regarding the range of environmental issues and concerns that need to be addressed in the impact analysis. As previously stated, Federal agencies with an interest in these proposals have formal channels for input into the analysis and are expected to coordinate with the FERC and/or the Utah State Office of the Bureau of Land Management rather than through the public meeting mechanism.

Persons who would like to make oral presentations at the meetings should contact the FERC project manager identified below to have their names placed on the speakers' list. Persons on the speakers' list prior to the date of the meeting will be allowed to speak first. A second speakers' list will be available at the public meeting. Priority will be given to those persons representing groups.

Further information concerning the public scoping meetings or about these proposals in general is available from either of the following individuals:

Ms. Lauren H. O'Donnell, room 7312,  
Office of Pipeline and Producer  
Regulation, Environmental  
Compliance and Project Analysis  
Branch, Federal Energy Regulatory  
Commission, 825 North Capitol Street,  
NE., Washington, DC 20426,  
Telephone (202) 208-0874

or

Mr. J. Darwin Snell, Bureau of Land  
Management, Utah State Office, 324  
South State, #301, Salt Lake City, UT  
84145, Telephone (801) 539-4102.

Organizations and individuals receiving this Federal notice have been selected to ensure public awareness of this project and public involvement in the review process under the National Environmental Policy Act. Any subsequent information, including the

environmental document, published regarding the Northwest Pipeline Expansion Project will be sent automatically to the appropriate Federal agencies. However, to reduce printing and mailing costs and related logistical problems, the information will only be distributed to those organizations, state and local agencies, and individuals who return the attached appendix to this notice within 30 days. If you have previously submitted a request to receive information, you need not do so a second time.

Lois D. Cashell,  
Secretary.

**ATTACHMENT**

**SCHEDULE OF FERC PUBLIC SCOPING MEETINGS FOR THE NORTHWEST PIPELINE EXPANSION PROJECT**

Date	Time	Location
Monday, Mar. 18, 1991.	7 p.m.	911 Federal Building, Auditorium, 911 Northeast 11th Street, Portland, OR, (503) 326-2107.
Tuesday, Mar. 19, 1991.	7 p.m.	U.S. Court House, Room B 43, 250 South 4th Avenue, Pocatello, ID, (208) 236-6860.
Wednesday, Mar. 20, 1991.	7 p.m.	Green River High School, Auditorium, 300 Monroe Avenue, Green River, WY, (307) 875-3404.
Thursday, Mar. 21, 1991.	7 p.m.	Bureau of Land Management, Conference Room, 765 Horizon Drive, Grand Junction, CO, (303) 243-6552.
Monday, Mar. 25, 1991.	7 p.m.	Bureau of Land Management, Conference Room, 82 East Dogwood, Moab, UT, (801) 259-6111.
Tuesday, Mar. 26, 1991.	7 p.m.	Empire Electric Association, Calvin Denton Room, 801 North Broadway, Cortez, CO, (303) 565-4444.

**APPENDIX**

**INFORMATION REQUEST**

I wish to receive subsequent published information regarding the environmental analysis being conducted for the Northwest Pipeline Expansion Project.

Name/Agency \_\_\_\_\_

Address \_\_\_\_\_

City State Zip Code \_\_\_\_\_

From \_\_\_\_\_



Atten: Ms. Lauren H. O'Donnell, Rm. 7312, Federal Energy Regulatory Commission, Office of Pipeline and Producer Regulation, Environmental Compliance and Project Analysis Branch, 825 North Capitol Street, NE., Washington, DC 20426.

[FR Doc. 91-5080 Filed 3-4-91; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. CP91-1333-000, et al.]

**Colorado Interstate Gas Co., et al.; Natural Gas Certificate Filings**

Take notice that the following filings have been made with the Commission:

**1. Colorado Interstate Gas Co.**

[Docket No. CP91-1333-000]

February 25, 1991.

Take notice that on February 22, 1991, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP91-1333-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Coastal Oil & Gas Corporation, a producer, under the blanket certificate issued in Docket No. CP86-589, et al. pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file

with the Commission and open to public inspection.

CIG states that, pursuant to an agreement dated November 1, 1990, under its Rate Schedule TI-1, it proposes to transport up to 8,300 Mcf per day of natural gas. CIG indicates that the gas would be transported from Oklahoma, and Kansas, and would be redelivered in Colorado. CIG further indicates that it would transport 6,500 Mcf on an average day and 2,300,000 Mcf annually.

CIG advises that service under § 284.223(a) commenced November 1, 1990, as reported in Docket No. ST91-5571.

*Comment date:* April 11, 1991, in accordance with Standard Paragraph G at the end of this notice.

**2. Equitrans, Inc., Colorado Interstate Gas Co., and Colorado Interstate Gas Co.**

[Docket Nos. CP91-1297-000<sup>1</sup>, CP91-1305-000 and CP91-1306-000]

February 25, 1991.

Take notice that on February 20, 1991, Applicants filed in the above referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and

<sup>1</sup> These prior notice requests are not consolidated.

284.223) for authorization to transport natural gas on behalf of various shippers under their blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including Applicant and the Applicant's address, identity of the shipper, the date of the transportation agreement between the Applicant and the respective shipper, the contract number of the transportation service agreement, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket number and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicant's allege that they would provide the proposed service for each shipper under an executed transportation service agreement and would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

*Comment date:* April 11, 1991, in accordance with Standard Paragraph G at the end of this notice.

**Appendix**

Docket No. Trans. Agree. (Contract No.)	Applicant	Shipper name	Peak Day <sup>1</sup> Avg. Annual	Points of—		Start up date, Rate schedule, Service type	Related <sup>2</sup> dockets
				Receipt	Delivery		
CP91-1297-000 3-12-90 (ITS-99)	Equitrans, Inc., 3500 Park Lane, Pittsburgh, PA 15275.	O&R Energy, Inc.....	20,242 3,000 120,000	PA & WV...	PA & WV...	1-17-91 ITS Interruptible	CP86-553-000 ST91-6839-000
CP91-1305-000 11-1-90 (13139)	Colorado Interstate Gas Co., P.O. Box 1087, Colorado Springs, CO 80944.	Williams Gas Marketing Company.	20,000 Mcf 10,000 Mcf 3,650,000 Mcf	WY & KS...	OK .....	11-16-90 TI-1 Interruptible	CP86-589-000 ST91-5574-000
CP91-1306-000 11-1-90 (13141)	Colorado Interstate Gas Co.....	PSI Gas Marketing Co.....	25,000 Mcf 25,000 Mcf 4,500,000 Mcf	KS.....	KS.....	12-1-90 TI-1 Interruptible	CP86-589-000 ST91-5932-000

<sup>1</sup> Quantities are shown in MMBtu unless otherwise indicated.

<sup>2</sup> The CP Docket corresponds to Applicant's blanket transportation certificate. The ST docket indicates that 120-day transportation service was initiated under Section 284.223(a) of the Commission's Regulations.

**3. Williston Basin Interstate Pipeline Co.**

[Docket No. CP91-1296-000]

February 25, 1991.

Take notice that on February 20, 1991, Williston Basin Interstate Pipeline Company (Williston Basin), suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP91-1296-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service rendered for Amerada Hess Corporation (Amerada), a producer of natural gas, all as more

fully set forth in the application which is on file with the Commission and open to public inspection.

Williston Basin states that it proposes to abandon transportation service which it performed for Amerada pursuant to an agreement dated June 22, 1987, under Rate Schedule T-5. Williston Basin further states that the transportation service was authorized by the Commission in Docket No. CP85-534-000, wherein Williston Basin was authorized to transport natural gas for Amerada from the Tioga Plant in Williams County, North Dakota, to a

field tap in McKenzie County, North Dakota. Williston Basin requests abandonment authorization because the service agreement was automatically terminated effective January 1, 1991, by the terms of the agreement and Amerada is now taking service under Williston Basin's existing Rate Schedule IT-1. Williston Basin indicates that no facilities would be abandoned in connection with the abandonment of the transportation service.

*Comment date:* March 18, 1991, in accordance with Standard Paragraph F at the end of this notice.

#### 4. Great Lakes Gas Transmission Limited Partnership

[Docket No. CP91-1279-000]

February 25, 1991.

Take notice that on February 19, 1991, Great Lakes Gas Transmission Limited Partnership (Great Lakes), Suite 1600, One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP91-1279-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Ford Motor Company, an end-user, under the blanket certificate issued in Docket No. CP89-2198-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Great Lakes states that, pursuant to an agreement dated October 18, 1990, under its Rate Schedule IT, it proposes to transport up to 400,000 Mcf per day of natural gas. Great Lakes indicates that the gas would be transported from Michigan and Minnesota, and would be redelivered in Michigan. Great Lakes further indicates that it would transport 400,000 Mcf on an average day and 146,000,000 Mcf annually.

Great Lakes advises that service under § 284.223(a) commenced January 1, 1991, as reported in Docket No. ST91-6533-000.

*Comment date:* April 11, 1991, in accordance with Standard Paragraph G at the end of this notice.

#### 5. U-T Offshore System

[Docket No. CP91-1227-000]

February 26, 1991.

Take notice that on February 11, 1991, U-T Offshore System (U-TOS), P.O. Box 1396, Houston, Texas 77251, filed in the above-referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA), as amended, and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission) for a certificate of public convenience and necessity authorizing construction and operation of certain facilities by U-TOS to provide an interconnection for ANR Pipeline Company at U-TOS' Johnson's Bayou Plant in Cameron Parish, Louisiana (Johnson's Bayou Plant), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

U-TOS seeks authority to construct and operate an interconnect consisting of a 20-inch connecting tee, fittings and approximately 30 feet of pipe. U-TOS explains that ANR will own and U-TOS will operate a connecting line extending from the end of the proposed 30 feet of pipe to an existing ANR M&R station, pursuant to ANR's FERC blanket certificate authorization. The proposed facilities are said to be located within the fenced in portion of the U-TOS Johnson's Bayou Plant yard. U-TOS estimates the cost of the proposed facilities to be \$99,210 which is to be reimbursed by ANR.

U-TOS asserts that the proposed arrangement will provide ANR with a

high pressure gas source interconnection. It is stated that such arrangement would enable ANR to receive the dekatherm equivalent of up to 100 MMcf per day through U-TOS at the Johnson's Bayou Plant.

*Comment date:* April 12, 1991, in accordance with Standard Paragraph G at the end of this notice.

#### 6. South Georgia Natural Gas Co., and Black Marlin Pipeline Co.

[Docket Nos. CP91-1335-000, CP91-1336-000 and CP91-1342-000]

February 28, 1991.

Take notice that South Georgia Natural Gas Company, P.O. Box 2563, Birmingham, Alabama 35202-2563, and Black Marlin Pipeline Company, 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP90-2125-000 and Docket No. CP89-2041-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.<sup>2</sup>

*Comment date:* April 12, 1991, in accordance with Standard Paragraph G at the end of this notice.

<sup>2</sup> These prior notice requests are not consolidated.

#### Appendix

Docket No. (Date Filed)	Shipper name (type)	Peak day, Average day, Annual Mcf	Receipt <sup>1</sup> points	Delivery Points	Contract date, Rate schedule, Service type	Related Docket Start up date
CP91-1335-000 (2-22-91)	Proctor & Gamble Paper Products Co. (End-user).....	3,422 3,422 1,249,030	AL.....	GA.....	1-4-91 FT Firm	ST91-67720-000 1-5-91
CP91-1336-000 (2-22-91)	City of Cordele, GA (LDC).....	700 700 255,500	AL.....	GA.....	1-1-91 FT Firm	ST91-6726-000 1-1-91
CP91-1342-000 (2-25-91)	Phibro Energy Inc. (Marketer).....	50,000 15,000 * 18,250,000	OTX.....	TX.....	12-1-90 ITS Interruptible	ST91-6585-000 1-3-91

<sup>1</sup> Offshore Texas is shown as OTX.

<sup>2</sup> Black Marlin's quantities are in MMBtu.

#### 7. Natural Gas Pipeline Co. of America

[Docket Nos. CP91-1308-000, CP91-1309-000, CP91-1310-000, CP91-1311-000, and CP91-1312-000]

February 26, 1991.

Take notice that Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the

Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-582-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.<sup>3</sup>

<sup>3</sup> These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by

Applicant and is summarized in the attached appendix.

Comment date: April 12, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (Date Filed)	Shipper name (type)	Peak day, Average day, Annual MMBtu	Receipt <sup>1</sup> points	Delivery Points	Contract date, Rate schedule, Service type	Related Docket, Start up date
CP91-1308-000 (2-21-91)	Centran Corp. (Marketer).....	30,000 15,000 5,475,500	System .....	LA, OLA, TX, OTX, IL, IO, OK, NM, CO.....	12-18-90 ITS Interruptible	ST91-64780-000 12-19-90
CP91-1309-000 (2-21-91)	Chevron USA, Inc. (Producer)....	20,000 15,000 5,475,500	System .....	LA, OLA, TX, OTX, IL, IO, OK, NM, CO.....	12-21-91 ITS Interruptible	ST91-6499-00: 12-22-91
CP91-1310-000 (2-21-91)	V.H.C. Gas Systems, L.P. (Marketer).	500,000 150,000 54,750,000	System .....	Various.....	11-28-90 ITS Interruptible	ST91-6498-000 12-22-90
CP91-1311-000 (2-21-91)	Vesta Energy Co. (Marketer).....	30,000 10,000 3,650,000	System .....	LA, OLA, TX, OTX, IL, IO, OK, NM, CO.....	12-28-90 ITS Interruptible	ST91-6624-000 12-29-90
CP91-1312-000 (2-21-91)	PSI Gas Marketing, Inc. (Marketer).	200,000 75,000 27,375,000	System .....	LA, OLA, TX, OTX, OK, IO, NM, IL, AR, CO.	8-7-90 ITS Interruptible	ST91-6500-000 12-22-90

<sup>1</sup> Offshore Louisiana and offshore Texas are shown as OLA and OTX.

**8. WestGas InterState, Inc.**

[Docket No. CP91-1253-000]  
February 28, 1991.

Take notice that on February 14, 1991, WestGas InterState, Inc. (WGI), 1050 17th Street, Suite 500, Denver, Colorado 80265, filed in Docket No. CP91-1253-000 an application pursuant to section 7(c) of the Natural Gas Act for an optional certificate authorizing it to own and operate 0.23 miles of 8-inch and 11.45 miles of 4-inch diameter pipeline extending north from a point<sup>1</sup> approximately two miles south of the Colorado/Wyoming border to Cheyenne, Wyoming and blanket certificates pursuant to Sections 284 and 157 of the Commission's Regulations authorizing WGI to provide open-access transportation service and the construction and operation of certain facilities and certificate amendments and abandonment under section 7 of the Natural Gas Act, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WGI proposes to own and operate 0.23 miles of 8-inch and 11.45 miles of 4-inch diameter pipeline extending north from a point approximately two miles south of the Colorado/Wyoming border to the City of Cheyenne, Wyoming. The pipeline was acquired on July 30, 1990, by WGI from the Conoco Pipe Line Company, Inc., which had acquired the pipeline in 1986 from the Husky Oil Company, Inc. The pipeline was used to transport oil and oil by-products,

however, WGI has converted the pipeline to transport natural gas. WGI states that the proposed facilities were acquired in order to transport natural gas to the local distribution company which serves the City of Cheyenne, Wyoming. The natural gas would flow in a south-to-north direction from an interconnection point in Colorado with the Western Gas Supply Company, WGI's parent company. It is alleged that transportation of natural gas is proposed to commence on June 1, 1991.

As part of its application, WGI has included pro forma copies of its FERC Gas tariff, Original Volumes No. 1, which includes: (1) The applicable statement of rates, (2) Rate Schedule FT covering firm transportation service and Rate Schedule IT, related to interruptible transportation service, (3) general terms and conditions delineating the specific operating procedures to be followed by WGI and its customers, and (4) form of service agreements applicable to service provided under Rate Schedules FT and IT.

WGI contends that it is actively negotiating the terms of precedent agreements with potential shippers and intends, after receipt of an acceptable order, to conduct a 30-day open season for all uncommitted firm capacity and for interruptible service on its transportation system. WGI has assumed a 15-year project life and a 70 percent throughput level. WGI explains that its maximum and minimum rates applicable to firm and interruptible services assume a 15 percent return on

equity, a 12 percent cost of debt, with an imputed capital structure of 60 percent equity and 40 percent debt. The specific rates proposed to be charged by WGI for providing transportation services through its pipeline system are as follows:

**YEARS 1-15**

	Rate per Dth	
	Maximum	Minimum
<b>Rate Schedule FT</b>		
Transportation Reservation Rate (Monthly).....	\$2.93291	\$0.00000
Transportation Commodity Rate.....	\$0.12243	\$0.01000
<b>Rate Schedule IT</b>		
Transportation Commodity Rate.....	\$0.12243	\$0.01000

WGI states that the costs associated with providing firm transportation service were allocated between the reservation and commodity components through application of a modified fixed variable rate design and that the transportation commodity rate and the monthly transportation reservation rate when combined, would not exceed the maximum transportation commodity rate.

The estimated cost of the proposed facilities, including line pack, is \$614,000. Due to this relatively low dollar amount, the cost of facilities would be financed 100 percent by equity. Any additional

construction and operational monies above that already infused into WGI by the sale of company stock to its parent, would be provided by short-term borrowing at an estimated rate of 12 percent. WGI submits that it is assuming the economic risk of providing open-access natural gas transportation service through the proposed pipeline in accordance with the Commission's rules, regulations, and decisions. Therefore, WGI requests that the Commission approve its request for a 15 percent return on equity. Other risks associated with this project are the small size of the pipeline and the short-term, interruptible nature of the transportation agreement that WGI has entered into. WGI contends that the

limited market area in and around the City of Cheyenne makes the potential for future growth in transportation throughput exceedingly small. All of these factors support WGI's request for a 15 percent return on equity.

WGI seeks blanket certificate authorizations to provide open-access transportation service pursuant to Part 284, Subpart G of the Commission's Regulations and to own and operate certain facilities, amend existing certificate authorizations and abandon facilities and services pursuant to Part 157, Subpart F of the Commission's Regulations.

*Comment date:* March 19, 1991, in accordance with Standard Paragraph F at the end of the notice.

### 9. Conoco Inc., et al.

[Docket Nos. G-5902-001, et al.]<sup>4</sup>

February 26, 1991.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to terminate or amend certificates as described herein, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

*Comment date:* March 18, 1991, in accordance with Standard Paragraph J at the end of this notice.

<sup>4</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

[Filing Code; A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Assignment of acreage; E—Succession; F—Partial Succession]

Docket No. and Date Filed	Applicant	Purchaser and location	Description
G-5902-001, D, 2-1-91	Conoco Inc., P.O. Box 2197, Houston, TX 75252...	Transcontinental Gas Pipe Line Co., Harris Field, Live Oak County, TX.	Assigned 5-1-90 to EP Operating Co.
G-13299-011, D, 1-14-91	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, TX 75221.	ANR Pipeline Co., Laverne Field, Beaver and Harper Counties, OK.	Assigned 4-1-90 to Shell Western E&P Inc.
CI61-1772-000, D, 2-11-91	Amoco Production Co., P.O. Box 3092, Houston, TX 77253.	Lone Star Gas Co., Various Units, Bryan County, OK.	Assigned 2-1-90 to Chase Petroleum Ltd.
CI65-164-001, D, 2-20-91	Oryx Energy Co., P.O. Box 2880, Dallas, TX 75221-2880.	Texas Eastern Transmission Corp., Wharco Shilling Field, Colorado and Wharton Counties, TX.	Assigned 2-1-91 to Alan B. Clark.
CI65-539-000, D, 2-5-91	Union Oil Co. of California, P.O. Box 7600, Los Angeles, CA 90051.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, NM.	Assigned 10-1-90 to Sun Operating Limited Partnership.
CI78-143-002, D, 1-29-91	Chevron U.S.A. Inc., P.O. Box 3725, Houston, TX 77253.	Pioneer Gas Products Co., Aylesworth Field, Bryan County, OK.	Assigned 4-1-90 to Grace Petroleum Corp.
CI91-40-000, (CI70-775), D, 1-16-91.	Oryx Energy Co.	Southern California Gas Co., Federal Lease OCS-P-240, Offshore CA.	Assigned 10-1-90 to Union Oil Co. of California.
CI91-41-000, (CI78-230), D, 1-17-91.	Oryx Energy Co.	Colorado Interstate Gas Co., Echo Springs Field, Carbon and Sweetwater Counties, WY.	Assigned 9-1-90 to Union Pacific Resources Co.
CI91-51-000, (CI74-544), D, 1-28-91.	Texaco Inc., P.O. Box 4700, Houston, TX 77210-4700.	KN Energy Inc., Alkali Butte Field, Fremont County, WY.	Assigned 1-1-90 to Natural Gas Processing Co.
CI91-54-000, (CI73-630), D, 2-5-91.	Union Oil Co. of California	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy, County, NM.	Assigned 10-1-90 to Sun Operating Partnership.
CI91-55-000, (CI77-270), D, 2-7-91.	Union Oil Co. of California	Natural Gas Pipeline Co. of America, La Rica (Morrow) Field, Lea County, NM.	Assigned 6-1-90 to Mark J. Mourne.
CI91-56-000, (G-17263), D, 2-11-91.	Unocal Exploration Corp., P.O. Box 7600, Los Angeles, CA 90051.	Trunkline Gas Co., Alta Loma Field, Galveston County, TX.	Assigned 8-1-88 to Wayhan Oil Co.
CI91-57-000, (CI85-340), D, 2-11-91.	Sonat Exploration Co., P.O. Box 1513, Houston, TX 77251-1513.	Natural Gas Pipeline Co. of America, Knox and S.E. Knox Fields, Grady and Stephens Counties, OK.	Assigned 8-1-90 to Hawkins Oil & Gas, Inc.
CI91-60-000, (G-5134), D, 2-20-91.	Oryx Energy Co.	United Gas Pipe Line Co., Cabeza Creek Field, Goliad County, TX.	Assigned 7-1-90 to Conoco Inc.
CI91-61-000, (CI65-164), D, 2-20-91.	Oryx Energy Co.	Texas Eastern Transmission Corp., Norris and Wharco Shilling Fields, Wharton County, TX.	Assigned 10-1-90 to Geodyne Production Co.
CI91-62-000, (CI72-414), D, 2-20-91.	Oryx Energy Co.	Florida Gas Transmission Co., Jay Field, Santa Rosa, County, FL.	Assigned 10-1-90 to Geodyne Production Co.
CI91-63-000, (G-10819), D, 2-20-91.	Oryx Energy Co.	Texas Eastern Transmission Corp., Cabeza Creek Field, Goliad County, TX.	Assigned 7-1-90 to Conoco Inc.
CI91-64-000, (CI60-218), D, 2-20-91.	Oryx Energy Co.	Arkla Energy Resources, a division of Arkla, Inc., Calhoun Field, Ouachita Parish, LA.	Assigned 10-1-89 to Headington Minerals, Inc.

### 10. Tenngasco Corp., Tenngasco Exchange Corp., and Tenngasco Marketing Corp. and Enserch Gas Co.

[Docket Nos. CI86-168-008<sup>5</sup> and CI89-501-003]

February 26, 1991.

Take notice that on February 15, 1991, Tenngasco Corporation, Tenngasco

Exchange Corporation and Tenngasco Marketing Corporation of P.O. Box 2511, Houston, Texas 77252, and on February 19, 1991, Enserch Gas Company of 301 South Harwood, suite 504-N, Dallas, Texas 75201 (Applicants), each filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's

(Commission) regulations thereunder to amend their blanket limited-term certificates with pregranted abandonment previously issued by the Commission in Docket Nos. CI86-168-006 and CI89-501-001 for terms expiring March 31, 1991 to extend the term of such authorizations, all as more fully set forth in the applications which are on

<sup>5</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

file with the Commission and open for public inspection.

Applicant in Docket No. CI86-168-008 requests extension for an unlimited term, and also requests amendment of its blanket certificate to include authorization for Tenngasco Marketing Corporation under the terms of that certificate. Applicant in Docket No. CI89-501-003 requests extension for an unlimited term.

*Comment date:* March 18, 1991, in accordance with Standard Paragraph J at the end of this notice.

#### 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 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.

G. Any person or the Commission's staff may, within 45 days after the 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 therefore, 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.

#### Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings 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, .214). 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 in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

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. 91-5078 Filed 3-4-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-04016T, Mississippi-3]

#### Mississippi State Oil and Gas Board; Notice of Determination Designating Tight Formation

February 26, 1991

Take notice that on February 20, 1991, the State Oil and Gas Board of Mississippi (Mississippi) submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Selma Chalk Formation in the South, Southeast, and West Fault Block segments of the Baxterville Field, in Lamar and Marion Counties, Mississippi, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The notice of determination covers the west ½ of Section 1, all of Sections 2 and 11, and the west ½ of Section 12 in Township 1 North, Range 17 West, in

Marion County (the West Fault Block segment), and the east ½ of Section 9, all of Sections 10, 15, and 16, the south ½ of Section 19, and all of Sections 20, 21, 22, 29, and 30 in Township 1 North, Range 16 West, in Lamar County (the Southeast and South Fault Block segments). The notice of determination also contains Mississippi's findings that the referenced portions of the Selma Chalk Formation meets the requirements of the Commission's regulations set forth in 18 CFR Part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR, §§ 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

*Secretary.*

[FR Doc. 91-5082 Filed 3-4-91; 8:45 am]

BILLING CODE 6717-01-M

[RP91-92-000]

#### Colorado Interstate Gas Co.; Tariff Filing

February 26, 1991.

Take Notice that on February 19, 1991, Colorado Interstate Gas Company ("CIG") tendered for filing to be effective March 1, 1991, revised tariff sheets in its FERC Gas Tariff, Original Volumes Nos. 1 and 3.

CIG states that the purpose of this filing is to:

1. Establish simplified Interruptible Transportation Service Agreement by relocating several provisions of the pro forma Service Agreement to the Interruptible Transportation Rate Schedule;
2. Establish "Universal Receipt Point Authority" under its Interruptible Transportation Rate Schedule TI-1;
3. Clarify language to the Balancing Charge and Balancing Penalty Charge provisions of CIG's Volume No. 3 Tariff;
4. Confirm the right of a shipper to elect to prepay reservation charges related to firm transportation services; and
5. Make other miscellaneous changes.

CIG states it is also making a minor addition to Article 12 of its sales tariff (Volume No. 1) to add language which will conform the language in CIG's Volume No. 1 Tariff with its Volume No. 3 Tariff.

CIG states that copies of its filing were served on all holders of Volume Nos. 1 and 3 of CIG's FERC Gas Tariff and appropriate state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. 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. 91-5084 Filed 3-4-91; 8:45 am]  
BILLING CODE 6717-01-M

[RP91-95-000]

**Mississippi River Transmission Corp.;  
Rate Change Filing**

February 26, 1991.

Take notice that on February 22, 1991, Mississippi River Transmission Corporation ("MRT") tendered for filing the following tariff sheets to its FERC Tariff, Second Revised Volume No. 1:

Twentieth Revised Sheet No. 4A  
Eighth Revised Sheet No. 4A.3  
Third Revised Sheet No. 4A.8  
Sixteenth Revised Sheet No. 78  
Ninth Revised Sheet No. 77  
Seventeenth Revised Sheet No. 78  
Fifteenth Revised Sheet No. 79

MRT submitted the tariff sheets in response to Order Nos. 528 and 528-A in order to recover the take-or-pay costs previously allocated to MRT from United Gas Pipe Line Company ("United"). MRT requests an effective date of March 25, 1991. The Commission postponed the effective date of Order No. 528's stay for United's own take-or-pay cost recovery filings until 30 days after the Commission issues a final order on United's Base Stipulation and Agreement in Docket No. RP85-209-027, *et al.*, which is currently pending before the Commission. The Commission has also exempted from the Order No. 528 stay those costs United is flowing through from Sea Robin Pipeline Company in Docket No. RP89-147-000. MRT's tariff sheets provide for an allocation of those previously allocated

take-or-pay costs to MRT's jurisdictional sales customers based on such customers' contract demands as of March 1, 1988. The methodology reflected on MRT's tariff sheets, as filed, is identical to that proposed by MRT when it first filed the D-1 methodology in March, 1988 to recover United's take-or-pay buyout and buydown costs allocated to MRT with the exception of a reallocation of a portion of the SGS customers' D-1 allocation in accordance with Order No. 528-A.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 91-5087 Filed 3-4-91; 8:45 am]  
BILLING CODE 6717-01-M

[RP91-5-003]

**Natural Gas Pipeline Co. of America;  
Changes in Tariff**

February 26, 1991.

Take notice that on February 21, 1991, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1A, the below listed tariff sheets to be effective November 1, 1990:

Substitute Original Sheet No. 119  
Second Substitute Original Sheet No. 120  
Original Sheet No. 121  
Reserved for Future Use Sheet Nos. 122 through 200

Natural states the purpose of this filing is to comply with the Commission's January 24th and February 7th orders. The January 24th order required Natural to pass through to its sales and transportation customers by a credit on their monthly bill a pro rata share of the purchase price any retained unauthorized gas volumes.

The February 7th order requires Natural to give actual notice to shippers at the relevant receipt points where

unauthorized gas was placed on Natural's system.

Natural also made two changes requested by the Commission Staff. The first was a change in the method of accounting and the second was to compute the Market Index Price applicable to gas retained in the same manner as used in Natural's Gas Inventory Demand Charge.

Natural has requested waiver of the Commission's orders and Regulations to the extent necessary to permit approval of these changes in its unauthorized gas provision of its tariff.

Natural states that a copy of the filing was mailed to Natural's jurisdictional customers, intervenors, and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such protests should be filed on or before March 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 91-5085 Filed 3-4-91; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP91-94-000]

**Natural Gas Pipeline Co. of America;  
Rate Change Filing**

February 26, 1991.

Take notice that on February 22, 1991, Natural Gas Pipeline Company of America (Natural) filed the below listed tariff sheets to be a part of its FERC Gas Tariff, First Revised Volume No. 1A, to be effective March 25, 1991:

Third Revised Sheet No. 33  
First Revised Sheet No. 33A  
First Revised Sheet No. 35.1

Natural states that the tariff revisions were submitted to provide additional flexibility and administrative savings for Natural and its shippers. The changes include: (1) establishment of a "request and confirmation" procedure by which shippers can add secondary points in excess of the existing 25 secondary point limitation without the need for a

formal contract amendment and (2) the designation of an additional transfer point (Station 109) for gas transported on Natural's Iowa Line at which an FTS Agreement can be linked with another FTS Agreement.

Natural requested waiver of the Commissioner's Regulations to the extent necessary to permit the proposed tariff sheets to become effective March 25, 1991.

Natural states that a copy of this filing was mailed to Natural's jurisdictional customers and interested state regulatory agencies.

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, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference room.

Lois D. Cashell,  
Secretary.

[FR Doc. 91-5086 Filed 3-4-91; 8:45 am]  
BILLING CODE 6717-01-M

(RP90-84-003)

### Texas Sea Rim Pipeline, Inc.; Notice of Compliance Filing

February 28, 1991.

Take notice that on February 21, 1991, Texas Sea Rim Pipeline, Inc. ("Texas Sea Rim"), 12450 Greenspoint Drive, Houston, Texas 77060-1991, filed pursuant to the Commission's Order in this docket issued January 24, 1991, a compliance tariff filing requesting the following tariff sheets be made effective April 1, 1991:

*First Volume No. 1*

Third Revised Sheet No. 2A

*Original Volume No. 2*

Original Sheet Nos. 1-4

First Revised Sheet No. 5

Original Sheet No. 6

First Revised Sheet No. 7

Second Revised Sheet No. 8

Original Sheet Nos. 9-19

First Revised Sheet No. 20

Original Sheet No. 21

Second Revised Sheet No. 22

Original Sheet Nos. 23-108  
First Revised Sheet Nos. 109 and 109(a)  
Original Sheet Nos. 101-115  
First Revised Sheet Nos. 116 and 117  
Original Sheet Nos. 118-120  
First Revised Sheet No. 121  
Original Sheet Nos. 122-140

Texas Sea Rim states that copies of this compliance filing were served on Texas Sea Rim's customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such protests should be filed on or before March 5, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-5083 Filed 3-4-91; 8:45 am]

BILLING CODE 6717-01-M

### Southeastern Power Administration

#### Proposed Rate Adjustment, Public Hearing, and Opportunities for Public Review and Comment

**AGENCY:** Southeastern Power Administration (Southeastern), DOE.

**ACTION:** Notice of proposed rate adjustment for Kerr-Philpott System, notice of public hearing and opportunity for review and comment.

**SUMMARY:** Southeastern proposes to replace Rate Schedules KP-1-C, JHK-2-A, JHK-3-A, and PH-1-A, currently applicable to Kerr-Philpott Projects power, and seek approval of new Rate Schedules KP-1-D, JHK-2-B, JHK-3-B, and PH-1-B for a 5 year period, October 1, 1991, through September 30, 1996.

Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a hearing and to submit written comments.

Southeastern will evaluate all comments received in this process.

**DATES:** Written comments are due on or before June 5, 1991. A public information and public comment forum will be held in South Hill, Virginia, on April 11, 1991. Persons desiring to speak at the forum must notify Southeastern at least 7 days

before the forum is scheduled so that a list of forum participants can be prepared. Others present may speak if time permits. If Southeastern has not been notified by close of business on April 4, 1991, that at least one person intends to be present at the forum, the forum will be automatically canceled with no further notice.

**ADDRESSES:** Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public comment forum will begin at 10 a.m. on April 11, 1991, in the Gaston-Dogwood Room of the Holiday Inn, Atlantic Street, South Hill, Virginia 23970.

**FOR FURTHER INFORMATION CONTACT:** Leon Jourlmon, Jr., Director, Power Marketing Division, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635, (404) 283-9911.

**SUPPLEMENTARY INFORMATION:** The Federal Energy Regulatory Commission by order issued January 23, 1987, in Docket No. EF86-3041-000, confirmed and approved Wholesale Power Rate Schedules and KP-1-C, JHK-2-A, JHK-3-A, and PH-1-A applicable to Kerr-Philpott Projects' power for a period ending September 30, 1991.

#### Discussion

Existing rate schedules are predicated upon a July 1986 repayment study and other supporting data contained in EF86-3041-000.

A February 1991 repayment study prepared using present rates demonstrates that rates are not adequate to recover all costs required by present repayment criteria.

A revised repayment study with a \$1,422,000 revenue increase in each current year over the current repayment study demonstrates that all costs are paid within their repayment life.

The additional revenue represents a 13 percent increase in revenue requirements. This increase is due to an increase in Corps Operation and Maintenance Additions and Replacements, and Southeastern Marketing Expenses. Increased costs attributable to wheeling are automatically passed through by current rate schedules. The additional revenue must be derived only from the sale of capacity and energy, therefore, the increase in capacity and energy rates is about 23 percent.

Present rate schedules allow for the preference customers' wheeling charge to be the same charge that the investor-

owned utility which serves the preference customers charges Southeastern. The initial wheeling rate for preference customers of the Government served by Virginia Electric and Power Company will be \$1.97 per kilowatt per month. The initial wheeling rate for preference customers served by Carolina Power and Light Company will be \$1.5933 per kilowatt per month. The initial wheeling rate for preference customers served by Appalachian Power Company will be \$2.07 per kilowatt per month. The proposed rate schedules state that wheeling charges will be subject to automatic future increases to pass Southeastern's increased wheeling cost from the investor-owned utility to the appropriate preference customers.

The demand charge applicable to preference customers will be \$1.88 per kilowatt of monthly demand and the energy charge will be 7.67 mills per kilowatt-hour.

The referenced February 1991 system repayment study along with previous system repayment studies are available for examination at the Samuel Elbert Building, Elberton, Georgia 30635. Proposed Rate Schedules KP-1-D, JHK-2-B, JHK-3-B, and PH-1-B are also available.

Issued at Elberton, Georgia, February 21, 1991.

**John A. McAllister, Jr.,**  
*Administrator.*

[FR Doc. 91-5164 Filed 3-4-91; 8:45 am]  
BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for a Reference Method Determination; Lear Siegler Measurement Controls Corp.

Notice is hereby given that on February 4, 1991, the Environmental Protection Agency received an application from Lear Siegler Measurement Controls Corporation, 74 Inverness Drive East, Englewood, Colorado 80112-5189, to determine if their Monitor Labs Model 8841 Nitrogen Oxides Analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR part 53. If, after appropriate technical study, the Administrator determines that this method should be so designated, notice

thereof will be given in a subsequent issue of the **Federal Register**.

Erich W. Bretthauer,  
*Assistant Administrator for Research and Development.*

[FR Doc. 91-5155 Filed 3-4-91; 8:45 am]  
BILLING CODE 6560-50-M

[FRL-3911-1]

### Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods; Equivalent Method Designation; PM<sub>10</sub> Beta Gauge Automated Particle Sampler

Notice is hereby given that EPA, in accordance with 40 CFR part 53, has designated another equivalent method for the determination of ambient concentrations of particulate matter measured as PM<sub>10</sub>. The new equivalent method is an automated method which utilizes a measurement principle based on beta-ray attenuation. The new designated method is identified as follows:

EQPM-0391-081, "Wedding & Associates' PM<sub>10</sub> Beta Gauge Automated Particle Sampler", consisting of the following components:  
Particle Sampling Module  
PM<sub>10</sub> Inlet (18.9 liter/min)  
Inlet Tube and Support Ring  
Vacuum Pump (115 VAC/60 Hz or 220-240 VAC/50 Hz)

operated for 24-hour average measurements with glass fiber filter tape.

This method is available from Wedding & Associates, Inc., P.O. Box 1756, Fort Collins, Colorado 80522. A notice of receipt of application from this method appeared in the **Federal Register**, Volume 54, July 27, 1989, page 31247.

Test monitors representative of this method have been tested by the applicant, in accordance with the test procedures specified in 40 CFR part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with part 52, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at EPA's Atmospheric Research and Exposure Assessment Laboratory, Research Triangle Park, North Carolina 27711, and will be available for inspection to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated equivalent method, this method is acceptable for use by

states and other air monitoring agencies under requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any limitations (e.g., averaging time) specified in the applicable designation (see description of the method above). Users of this method should note that its equivalent method designation applies only to 24-hour average PM<sub>10</sub> concentration measurements. The instrument can also provide average PM<sub>10</sub> measurements over other, shorter averaging periods, including one-hour average. However, such shorter average concentration measurements may be less precise than the 24-hour measurements. Average measurements over periods shorter than 25 hours are not required for use in determining attainment under the air quality surveillance requirements of part 58 (although they may be useful for other purposes) and should not be reported under § 58.35 (NAMS data submittal).

Vendor modifications of a designated method used for purposes of part 58 are permitted only with prior approval of EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under § 2.8 of appendix C to 40 CFR part 58 (Modifications of Methods by Users).

Part 53 requires that sellers of designated method comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the PM<sub>10</sub> monitor when it is delivered to the ultimate purchaser.

(2) The PM<sub>10</sub> monitor must not generate any unreasonable hazard to operators or to the environment.

(3) The PM<sub>10</sub> monitor must function within the limits of the performance specifications given in Table D-1 of part 53 for at least one year after delivery when maintained and operated in accordance with the operation manual.

(4) Any PM<sub>10</sub> monitor offered for sale as an equivalent method must bear a label or sticker indicating that it has been designated as an equivalent method in accordance with part 53.

(5) An applicant who offers PM<sub>10</sub> monitors for sale as equivalent methods is required to maintain a list of ultimate purchasers of such monitors and to notify them within 30 days if an equivalent method designation applicable to the monitor has been cancelled or if adjustment of the



monitors is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(6) An applicant who modifies a PM<sub>10</sub> monitor previously designated as an equivalent method is not permitted to sell the monitor (as modified) as an equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the monitor (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new equivalent method determination for the monitor as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Atmospheric Research and Exposure Assessment Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this equivalent method provide assistance to the states in establishing and operating their air quality surveillance systems under part 58. Technical questions concerning the method should be directed to the manufacturer. Additional information concerning this action may be obtained from Frank F. McElroy, Quality Assurance Division (MD-77), Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone (919) 541-2622.

Erich W. Bretthauer,  
Assistant Administrator for Research and Development.

[FR Doc. 91-5156 Filed 3-4-91; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59293; FRL 3882-6]

### Toxic and Hazardous Substances; Test Market Exemption Applications

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing

exemption (TME) applications, which must either be approved or denied within 45 days of receipt are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one applications for exemption, provides a summary, and requests comments on the appropriateness of granting these exemptions.

**DATES:**

*Written comments by:*

T 91-8, March 21, 1991.

**ADDRESSES:** Written comments, identified by the document control number "(OPTS-59293)" and the specific TME number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm. L-100, Washington, DC 20460, (202) 382-3532.

**FOR FURTHER INFORMATION CONTACT:**

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer of the TME received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

**T 91-8**

*Close of Review Period.* April 4, 1991.

*Manufacturer.* Confidential.

*Chemical.* (G) Sulfo esters amine salts.

*Use/Production.* (G) Lubricant and antistatic agent. Prod. range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD<sub>50</sub> 1850 mg/kg species (Rat). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit).

Dated: February 26, 1991.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-5157 Filed 3-4-91 8:45 am]

BILLING CODE 6560-50-F

### FEDERAL MARITIME COMMISSION

#### Agreement(s) Filed; Cobalt Line Joint Services Agreement

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 207-011320.

*Title:* Cobalt Line Joint Service Agreement.

*Parties:* Compagnie Des Long-Courriers, S.A. Baltic Shipping Company.

*Synopsis:* The proposed Agreement would establish a joint service in the trade between ports and points in Puerto Rico and ports and points in Central America (not including Mexico), Venezuela, Colombia, Islands of the Caribbean, and Europe (via Atlantic, Baltic and North Sea ports of call, and including USSR).

By Order of the Federal Maritime Commission.

Dated: February 27, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-5042 Filed 3-4-91; 8:45 am]

BILLING CODE 6730-01-M

#### City of Los Angeles/Evergreen Marine Corp.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for

comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 224-010825A-003.

*Title:* City of Los Angeles/Evergreen Marine Corporation Terminal Agreement.

*Parties:*

City of Los Angeles  
Evergreen Marine Corporation.

*Synopsis:* The Agreement amends the basic crane assignment agreement to substitute Crane No. 209-17 for Crane No. 209-12, which is being repaired.

*Agreement No.:* 224-200478.

*Title:* North Carolina State Ports Authority/Mitsui O.S.K. Lines, Ltd./N.Y.K. Line/Nippon Liner System, Ltd. Terminal Agreement.

*Parties:*

North Carolina State Ports Authority  
Mitsui O.S.K. Lines, Ltd.  
N.Y.K. Line  
Nippon Liner System, Ltd.

*Synopsis:* The Agreement sets forth container crane and stevedore fees applicable for a guaranteed 500 loaded containers of tobacco moving through the Port of Wilmington, NC before July 31, 1991.

By Order of the Federal Maritime Commission.

Dated: February 27, 1991.

Joseph C. Polking,  
Secretary.

[FR Doc. 91-5103 Filed 3-4-91; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Crawford Bancorp, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than March 25 1991.

**A. Federal Reserve Bank of St. Louis**  
(Randall C. Sumner, Vice President) 411  
Locust Street, St. Louis, Missouri 63166:

1. *Crawford Bancorp, Inc.*, Robinson, Illinois; to acquire Peoples Federal Building and Loan Association, Oblong, Illinois, a federally chartered stock association which is to be converted from a state chartered mutual association formerly named, Peoples Building and Loan Association of Oblong, Oblong, Illinois, and thereby operate a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y. This activity will be conducted throughout Crawford County, Illinois.

**B. Federal Reserve Bank of Kansas City**  
(Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Community Bancshares, Inc.*, Lone Grove, Oklahoma; to acquire First Federal Savings and Loan Association, Chickasha, Oklahoma, through a merger with its nonoperating subsidiary, Community Savings, Ardmore, Oklahoma, which would then be converted to a branch of First Community Bank and Trust company, Lone Grove, Oklahoma, and thereby operate a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y. This is an OAKAR conversion.

Board of Governors of the Federal Reserve System, February 27, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-5104 Filed 3-4-91; 8:45 am]

BILLING CODE 6210-01-F

### James K. Overstreet, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 25, 1991.

**A. Federal Reserve Bank of Philadelphia**  
(Thomas K. Desch, Vice President) 100 North 6th Street,  
Philadelphia, Pennsylvania 19105:

1. *James K. Overstreet*, Phoenixville, Pennsylvania; to acquire 10.1 percent of the voting shares of National Penn Bancshares, Inc., Boyertown, Pennsylvania, and thereby indirectly acquire National Bank of Boyertown, Boyertown, Pennsylvania, and Sellersville Savings and Loan Association, Perkasie, Pennsylvania.

**B. Federal Reserve Bank of Chicago**  
(David S. Epstein, Vice President) 230  
South LaSalle Street, Chicago, Illinois  
60690:

1. *James E. Malecha*, Palos Heights, Illinois, and Anthony J. Unruh, Long Grove, Illinois; to acquire 100 percent of the voting shares of Presidential Holdings, Inc., Bourbonnais, Illinois, and thereby indirectly acquire Bank of Bourbonnais, Bourbonnais, Illinois.

**C. Federal Reserve Bank of San Francisco**  
(Kenneth R. Binning, Director,  
Bank Holding Company) 101 Market  
Street, San Francisco, California 94105:

1. *Dale M. and Allen H. Hermann*, Portland, Oregon, and H. Lawrence Hull, Jr., Costa Mesa, California; to acquire 7.83 percent of the voting shares of West Coast Bancorp, Portland, Oregon, and

thereby indirectly acquire The Bank of Newport, Newport, Oregon.

Board of Governors of the Federal Reserve System, February 27, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-5105 Filed 3-4-91; 8:45 am]

BILLING CODE 6210-01-F

### Star Banc Corp., Kentucky, et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 25, 1991.

**A. Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Star Banc Corporation, Kentucky*, Newport, Kentucky; to acquire 100 percent of the voting shares of Star Bank, Northern Kentucky, Covington, Kentucky.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *McIntosh Bancshares, Inc.*, Jackson, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of McIntosh State Bank, Jackson, Georgia.

**C. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens National Bancorp, Inc.*, Darlington, Wisconsin; to become a

bank holding company by acquiring 95 percent of the voting shares of The Citizens National Bank of Darlington, Darlington, Wisconsin.

Board of Governors of the Federal Reserve System, February 27, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-5106 Filed 3-4-91; 8:45 am]

BILLING CODE 6210-01-F

### FEDERAL TRADE COMMISSION

[File No. 911 0036]

#### Alleghany Corp.; Proposed Consent Agreement with Analysis to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, Alleghany Corporation to divest all rights and interest in either its own title plants and back plants or those of Westwood Equities Corporation to a Commission-approved acquirer.

**DATES:** Comments must be received on or before April 8, 1991.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Ann Malester, FTC/S-2308, Washington, DC 20580. (202) 326-2682.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of Alleghany Corporation, a corporation.

### Agreement Containing Consent Order to Divest and to Cease and Desist

The Federal Trade Commission, having initiated an investigation into the proposed acquisition of certain voting securities owned by Westwood Equities Corporation, a subsidiary of New TC Holding Corporation, by Chicago Title and Trust Company, a subsidiary of Alleghany Corporation, hereinafter sometimes referred to as "Alleghany" or "proposed respondent", and Alleghany having been furnished a copy of a draft complaint that the Bureau of Competition has presented to the Commission for its consideration which, if issued by the Commission, would charge Alleghany with violations of the Clayton Act and Federal Trade Commission Act, and it now appearing that Alleghany is willing to enter into an agreement containing an order to divest certain assets and to cease and desist from certain acts:

*It is hereby agreed* by and between Alleghany Corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Alleghany Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office at Park Avenue Plaza, New York, New York 10055.

2. Chicago Title and Trust Company, a wholly owned subsidiary of Alleghany, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its principal office at 111 West Washington Street, Chicago, Illinois 60602.

3. Westwood Equities Corporation ("Westwood"), a subsidiary of New TC Holding Corporation, is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its principal office at 6300 Wilshire Boulevard, Los Angeles, California 90048.

4. On November 29, 1990, proposed respondent entered into an Acquisition Agreement which contemplates the acquisition of certain voting securities from Westwood.

5. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

6. Proposed respondent waives:

a. Any further procedural steps;  
b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the

validity of the Order entered pursuant to this agreement; and

d. All rights under the Equal Access to Justice Act.

7. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint here attached, will be placed on the public record for a period of sixty days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

8. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

9. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order to divest and to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the Order shall have the same force and effect, and may be altered, modified or set aside in the same manner and within the same time, provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the agreement may be used to vary or contradict the terms of the Order.

10. Proposed respondent has read the draft complaint and Order contemplated hereby. It understands that once the Order has been issued, it will be required to file one or more compliance

reports showing that it has fully complied with the Order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

## Order

### I

*It is hereby ordered* that as used in this Order the following definitions shall apply:

A. "Alleghany" means Alleghany Corporation, its directors, officers, employees and representatives, its successors and assigns, and its subsidiaries, divisions, groups and affiliates controlled by the Alleghany, their respective directors, officers, employees and representatives, and their respective successors and assigns.

B. "Chicago Title and Trust" means Chicago Title and Trust Company, its directors, officers, employees and representatives, its successors and assigns, and its subsidiaries, divisions, groups and affiliates controlled by Chicago Title and Trust, their respective directors, officers, employees and representatives, and their respective successors and assigns.

C. "New TC" means New TC Holding Corporation, its directors, officers, employees and representatives, its successors and assigns, and its subsidiaries, divisions, groups and affiliates controlled by New TC, their respective directors, officers, employees and representatives, and their respective successors and assigns.

D. "Title plant" means a privately owned set of records regarding the ownership of and interests in real property that is maintained by obtaining information from the public records on a daily or regular basis, and is indexed, posted or otherwise organized to update data regarding specific land parcels.

E. "Back plant" means a privately owned set of records regarding the ownership of and interests in real property that is no longer being updated on a daily or regular basis.

F. "Remaining Properties" means all of the rights, title and interest in the properties required to be divested in Paragraphs IIA and IIB that have not yet been divested by Alleghany.

### II

*It is further ordered* that within twelve months from the date this Order becomes final Alleghany shall divest or shall cause to be divested, absolutely and in good faith, all of its rights, title and interest in the properties described in paragraphs IIA and IIB. Divestiture

shall be made only to a buyer or buyers that receive the prior approval of the Commission, and only in a manner that receives the prior approval of the Commission. The purpose of the divestiture is to ensure the continuation of the assets as ongoing, viable title plants and back plants engaged in the production and/or sale of title plant information, and to remedy the lessening of competition resulting from the acquisition as alleged in the Commission's complaint in this matter.

A. For each of the following counties, at the option of Alleghany, either New TC's title plant or Alleghany's title plant serving such county: Imperial County, California; Du Page County, Illinois; Lake County, Illinois; Will County, Illinois; Johnson County, Indiana; Lake County, Indiana; Porter County, Indiana; Benton County, Washington; and Franklin County, Washington. All user or access agreements pertaining to each divested title plant shall also be divested. At the buyer's option at the time of purchase, and at a commercially reasonable price, Alleghany shall continue to provide computer and other services provided for each divested plant by either New TC or Alleghany, for a period of up to three years from the date such title plant is divested and shall assist the buyer in transferring the computer and other services to any other provider of such services.

B. For each of the following counties, at the option of Alleghany, either New TC's back plant or Alleghany's back plant serving such county: Orange County, California; Riverside County, California; San Bernardino County, California; San Luis Obispo County, California; Santa Barbara County, California; Tulare County, California; Cook County, Illinois; Marion County, Indiana; and Davidson County, Tennessee. All user or access agreements pertaining to each divested back plant shall also be divested. At the buyer's option at the time of purchase, and at a commercially reasonable price, Alleghany shall continue to provide services provided for each divested back plant by either New TC or Alleghany, for a period of up to three years from the date such back plant is divested and shall assist the buyer in transferring the services to any other provider of such services.

*It is further ordered that:* A. If Alleghany has not divested all of its rights, title and interest in the properties required to be divested in paragraphs IIA and IIB within the twelve month period, Alleghany shall consent to the appointment by the Commission of a trustee to divest all of the Remaining

Properties. In the event the Commission or the Attorney General brings an action pursuant to section 5(l) of the Federal Trade Commission Act, 15 U.S.C. 45(l), or any other statute enforced by the Commission, Alleghany shall consent to the appointment of a trustee in such action. Neither the appointment of a trustee nor a decision not to appoint a trustee under this Paragraph shall preclude the Commission or the Attorney General from seeking civil penalties or any other relief available to it, including a court-appointed trustee, pursuant to section 5(l) of the Federal Trade Commission Act, or any other statute enforced by the Commission, for any failure by Alleghany to comply with this Order.

B. If a trustee is appointed by the Commission or a court pursuant to paragraph IIIA of the Order, Alleghany shall consent to the following terms and conditions regarding the trustee's powers, authorities, duties and responsibilities:

1. The Commission shall select the trustee, subject to Alleghany's consent, which consent shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in acquisitions and divestitures.

2. Subject to the prior approval of the Commission, the trustee shall have the exclusive power and authority to divest the Remaining Properties.

3. The trustee shall have twelve months from the date of appointment to accomplish the divestiture of the Remaining Properties.

4. If at the end of the trustee's twelve month period the trustee has submitted a plan of divestiture or believes that divestiture can be achieved within a reasonable time, the divestiture period may be extended by the Commission or by the court for a court-appointed trustee.

5. The trustee shall have full and complete access to the personnel, books, records, and facilities relating to the Remaining Properties, or any other information, as the trustee may reasonably request. Alleghany shall develop such financial or other information relevant to the Remaining Properties as the trustee may reasonably request. Alleghany shall cooperate with the trustee and shall take no action to interfere with or impede the trustee's accomplishment of the divestitures. Any delays in divestiture caused by Alleghany shall extend the time for divestiture under this paragraph in an amount equal to the delay, as determined by the Commission or by the court for a court-appointed trustee.

6. Subject to Alleghany's absolute and unconditional obligation to divest at no minimum price and the purposes of the divestitures as stated in paragraph II of this Order, the trustee shall use his or her best efforts to negotiate the most favorable price and terms available with each acquiring entity for the divestiture of the Remaining Properties. The divestitures shall be made in the manner set out in paragraph II; *provided, however*, That if the trustee receives bona fide offers from more than one acquiring entity or entities, and if the Commission determines to approve more than one such acquiring entity, the trustee shall divest to the acquiring entity or entities selected by Alleghany from among those approved by the Commission.

7. The trustee shall serve, without bond or other security, at the cost and expense of Alleghany on such reasonable and customary terms and conditions as the Commission or a court may set. The trustee shall have authority to employ, at the cost and expense of Alleghany, such consultants, accountants, attorneys, investment bankers, business brokers, appraisers, and other representatives and assistants as are reasonably necessary to carry out the trustee's duties and responsibilities. The trustee shall account for all monies derived from the divestitures and all expenses incurred. After approval by the Commission and, in the case of a court-appointed trustee, by the court, of the account of the trustee, including fees for his or her services, all remaining monies shall be paid at the direction of Alleghany and the trustee's power shall be terminated. The trustee's compensation shall be based at least in significant part on a commission arrangement (percentage of price) that is contingent on the trustee divesting the Remaining Properties.

8. Alleghany shall indemnify the trustee and hold the trustee harmless against any losses, claims, damages, or liabilities arising in any manner out of, or in connection with, the trustee's duties under this Order, except for cases of misfeasance, willful or wanton acts, or bad faith.

9. Within thirty days after appointment of the trustee, Alleghany shall, subject to the prior approval of the Commission and, in the case of a court-appointed trustee, of the court, and consistent with provisions of this Order, execute a trust agreement that transfers to the trustee all rights and powers necessary to permit the trustee to effect the divestitures required by this Order.

10. If the trustee ceases to act or fails to act diligently, the Commission may, on its own or by request of Alleghany,

appoint a substitute trustee in the same manner as provided in paragraph IIIA of this Order.

11. The Commission and, in the case of a court-appointed trustee, the court may on its own initiative or at the request of the trustee issue such additional orders or directions as may be necessary or appropriate to accomplish the divestitures required by this Order.

12. The trustee shall have no obligation or authority to operate or maintain the Remaining Properties.

13. The trustee shall report in writing to Alleghany and to the Commission every sixty days concerning the trustee's efforts to accomplish the divestitures.

*It is further ordered* that Alleghany shall not cause or permit the wasting or deterioration of the assets and operations to be divested in accordance with paragraphs IIA and IIB of this Order in any manner that impairs the marketability of such assets and operations or impairs in any manner the viability of the assets and operations as going concerns engaged in the production and/or sale of title plant or back plant information. In this regard:

A. Alleghany shall maintain the title plants and back plants listed in paragraphs IIA and IIB to the extent and in the manner maintained by New TC and Alleghany prior to this acquisition, including but not limited to updating the records contained in the title plants on a daily or regular basis such that the title plants are as current as possible at all times.

B. Alleghany shall maintain in good faith all contracts for access to New TC's title plants and back plants and to Alleghany's title plants and back plants listed in Paragraphs IIA and IIB subject to the terms, conditions and stipulations of those contracts, and will refrain from taking any action toward terminating those contracts other than that which would be commercially reasonable to New TC and Alleghany under the terms of those agreements.

C. For each county listed in paragraph IIA, Alleghany shall, at the option of the accessors, automatically continue to maintain in good faith on identical terms, conditions and stipulations all contracts for access to New TC's title plant and all contracts for access to Alleghany's title plant in such county that expire by their terms prior to divestiture of either New TC's or Alleghany's title plant for a period lasting until the closing date upon which such divestiture is completed, at which time Alleghany's obligations under such contracts shall cease.

D. For each county listed in paragraph IIB, Alleghany shall, at the option of the accessors, automatically continue to maintain in good faith on identical terms, conditions and stipulations all contracts for access to New TC's back plant and all contracts for access to Alleghany's back plant in such county that expire by their terms prior to divestiture of either New TC's or Alleghany's back plant for a period lasting until the closing date upon which such divestiture is completed, at which time Alleghany's obligations under such contracts shall cease.

#### V

*It is further ordered* that for a period of ten years from the date this Order becomes final, Alleghany shall not acquire, directly or indirectly, any stock, share capital, equity interest, or assets in First American Title Insurance Company, Lawyers Title Insurance Corporation, Stewart Title Guaranty Company, Commonwealth Land Title Insurance Company, Title Insurance Company of Minnesota, TRW, Inc. or any of their successors or assigns, or in any concern, corporate or non-corporate, that has any direct or indirect ownership interest in a title plant that services any county listed in paragraph IIA or in a back plant that services any county listed in paragraph IIB, or acquire from any concern, corporate or non-corporate, any assets (other than in the ordinary course of business) of, or ownership interest in, an existing title plant that services any county listed in paragraph IIA or a back plant that services any county listed in paragraph IIB, without the prior approval of the Federal Trade Commission.

#### VI

*It is further ordered* that for a period of ten years from the date this Order becomes final, Alleghany shall not, directly or indirectly, acquire any stock, share capital, equity interest in any concern, corporate or non-corporate, that in turn has any direct or indirect ownership interest in a title plant or back plant servicing any geographic area for which Alleghany at that time has any direct or indirect ownership interest in a title plant or back plant servicing the same area, or acquire from any concern, corporate or non-corporate, any assets (other than in the ordinary course of business) of, or ownership interest in, any existing title plant or back plant servicing any geographic area for which Alleghany at that time has any direct or indirect ownership interest in a title plant or back plant servicing the same area, without providing advance written

notification to the Federal Trade Commission. Said notification shall be given on the Notification and Report Form set forth in the appendix to part 803 of title 16 of the Code of Federal Regulations as amended (hereinafter referred to as "the Notification"), except that for purposes of the Notification, Chicago Title and Trust, with the addition of any other subsidiary, division, group and affiliate of Alleghany engaged in, or having an interest in any other entity engaged in, the production and sale of title plant information or back plant information, shall be considered the ultimate parent entity as that term is defined in 16 CFR 801.1(a)(3). Alleghany shall provide to the Federal Trade Commission, at least thirty days prior to acquiring any such interest (hereinafter referred to as the "first waiting period"), both the Notification and supplemental information either in Alleghany's possession or reasonably available to Alleghany. Such supplemental information shall include a copy of the proposed acquisition agreement; the names of the principal representatives of Alleghany and of the firm Alleghany desires to acquire who negotiated the acquisition agreement; any management or strategic plans discussing the proposed acquisition; and all documents relating to competition for the provision of title plant or back plant services in the particular county. If, within the first waiting period, representatives of the Federal Trade Commission make a written request for additional information, Alleghany shall not consummate the acquisition until twenty days after submitting such additional information. Early termination of the waiting periods in this Paragraph may be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18A).

#### VII

*It is further ordered that*, acquisitions resulting in an interest of not more than 3% of the outstanding voting securities of publicly traded companies, solely for the purpose of investment, are not subject to paragraphs V and VI of this Order; acquisitions of voting securities of a publicly traded company shall not be subject to paragraphs V and VI of this Order solely by reason of the ownership, directly or indirectly, by such publicly traded company of less than 5% of the outstanding voting securities of one of the companies named in paragraph V.

#### VIII

*It is further ordered that:* A. Within sixty days after the Order becomes final, and every sixty days thereafter until Alleghany has fully complied with paragraphs II, III and IV of this Order, Alleghany shall file with the Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this Order. Such compliance reports shall include, in addition to any other information that the staff of the Federal Trade Commission may reasonably request, a full description of all contacts and negotiations with potential acquirers of the title plants and back plants to be divested under this Order, the identity and address of all such potential acquirers, copies of all written communications to and from such potential acquirers, and all internal memoranda, reports and recommendations concerning divestiture.

B. On or before September 21, 1991 and annually for the next ten years, Alleghany shall submit to the Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with this Order.

#### IX

*It is further ordered* that, for the purposes of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request and on reasonable notice to Alleghany made to its principal office, Alleghany shall permit any duly authorized representatives of the Federal Trade Commission:

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

B. Upon five days notice to Alleghany and without restraint or interference from Alleghany, to interview officers or employees of Alleghany, who may have counsel present, regarding such matters.

#### X

*It is further ordered* that Alleghany shall notify the Commission at least thirty days prior to any proposed change in Alleghany such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation, dissolution or sale of subsidiaries or any other change in

Alleghany that may affect compliance obligations arising out of this Order.

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

The Federal Trade Commission has accepted an agreement containing a proposed consent order from Alleghany Corporation.

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

The proposed complaint alleges that Alleghany Corporation's proposed acquisition, through a wholly owned subsidiary, of the title insurance-related assets of Westwood Equities Corporation ("Westwood") constitutes a violation of section 5 of the Federal Trade Commission Act and section 7 of the Clayton Act. Both Alleghany Corporation and Westwood, through their respective subsidiaries, own and operate title plants and back plants in numerous counties nationwide. Title plants and back plants are privately owned sets of records regarding the ownership of and interests in real property. A title plant's records continue to be regularly updated, whereas the records of a back plant are no longer updated. The complaint alleges that the proposed acquisition is likely substantially to lessen competition in the provision of title plant and back plant information in a number of counties.

The proposed consent order requires that within twelve months Alleghany divest all rights and interest in either its own title plant or Westwood's title plant in Imperial County, California; Du Page County, Illinois; Lake County, Illinois; Will County, Illinois; Johnson County, Indiana; Lake County, Indiana; Porter County, Indiana; Benton County, Washington; and Franklin County, Washington.

The proposed consent order also requires that Alleghany divest all rights and interest in either its own back plant or Westwood's back plant in Orange County, California; Riverside County, California; San Bernardino County, California; San Luis Obispo County, California; Sanata Barbara County, California; Tular County, California; Cook County, Illinois; Marion County, Indiana; and Davidson County, Tennessee.

The divestitures of title plants and back plants may be made only to parties

approved by the Commission and only in a manner approved by the Commission. Alleghany must, at the buyer's option, and at a commercially reasonable price, continue to provide services to plants and back plants for a period of up to three years from divestiture and assist in transferring those services to another supplier. Alleghany is also required to take measures to prevent the wasting of the assets to be divested, including preserving and updating records as was done before the acquisition, maintaining current access agreements on the same terms, and renewing on identical terms all such agreements that expire prior to divestiture of the relevant plant. These provisions are designed to maintain the competitive vitality of the plants to be divested.

The proposed order also provides for the appointment of a trustee to carry out any required divestitures not yet accomplished by Alleghany by the time twelve months have elapsed from the date the Order becomes final.

Alleghany is prohibited by the proposed order from acquiring any interest in certain other companies that are known to have ownership interests in a significant number of title plants or back plants without prior approval of the Federal Trade Commission. Prior approval is also required by the order for Alleghany's acquisition of an entity with any ownership interest in a title plant serving any county in which the proposed order requires divestiture of a title plant, and for Alleghany's acquisition of an entity that has any ownership interest in a back plant serving any county in which the proposed order requires divestiture of a back plant. These prohibitions last for ten years from the date the proposed order becomes final.

Also for a period of ten years from the date the order becomes final, Alleghany is required to give the Federal Trade Commission notification of any acquisition of an ownership interest in a title plant or back plant which serves any county in which Alleghany already has a title plant or back plant.

Acquisitions made solely for the purpose of investment, and which result in no more than 3% of the outstanding voting securities of publicly traded companies are excepted from the prior approval and notification provisions; likewise excepted are acquisitions of publicly traded companies that own less than 5% of any of the companies named in the prior approval provision.

The Commission anticipates that the effect of the proposed order will be to resolve the competitive concerns alleged in the complaint by maintaining the

opportunity for unrestrained trade in the markets for title plant information and back plant information in the relevant counties.

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

Donald S. Clark,

*Secretary.*

[FR Doc. 91-5159 Filed 3-4-91; 8:45 am]

BILLING CODE 6750-01-M

Docket Nos. 9227; 9238; and 9239

**Chain Pharmacy Association of New York State, Inc., et al.; Empire State Pharmaceutical Society, Inc.; and Capital Area Pharmaceutical Society, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent orders.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, the five consent orders prohibit, among other things, the two pharmacy chains, Melville and Rite Aid (D-9227), from entering into any agreement with other pharmacy firms to withdraw from or to refuse to enter into any third-party payer prescription drug participation agreement. For ten years, the two chains are also prohibited from communicating to another pharmacy firm their decision or intention to enter or to refuse to enter into such a participation agreement, and for eight years, from advising any pharmacy firm on whether to enter into any participation agreement.

The two trade associations, Empire State Pharmaceutical Society (D-9238) and Capital Area Pharmaceutical Society (D-9239), along with Alan Kadish, are prohibited from organizing or encouraging any agreement among pharmacy firms to refuse to enter into or to withdraw from any third-party prescription plan. The consent agreements, among other things, also prohibit the respondents, for a period of ten years, from continuing any meeting at which representatives of pharmacy firms exchange information concerning the firms, intention to enter into, refuse to enter into, or withdraw from any third-party payer prescription drug plan, and from communicating to any firm any information concerning any other pharmacy firm's intention to enter into, refuse to enter into, or to withdraw from

any existing or proposed third-party payer prescription plan.

**DATES:** D-9227—Complaint issued April 19, 1989 and Orders issued February 8, 1991. D-9238—Complaint issued March 15, 1990 and Order issued February 5, 1991. D-9239—Complaint issued March 15, 1990 and Orders issued February 7, 1991.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Karen Bokar, FTC/S-3308, Washington, DC 20580. (202) 326-2912.

**SUPPLEMENTARY INFORMATION:** On Tuesday, October 30, 1990, there was published in the *Federal Register*, 55 FR 45645, a notice of five proposed consent agreements with analyses in the Matter of Chain Pharmacy Association of New York State, Inc., et al.; Empire State Pharmaceutical Society, Inc.; and Capital Area Pharmaceutical Society, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the orders.

No comments having been received, the Commission has ordered the issuance of the complaints in the form contemplated by the agreements, made its jurisdictional findings and entered its orders to cease and desist, as set forth in the proposed consent agreements, in disposition of these proceedings.

**Authority:** Sec. 6, 38 Stat. 721; 15 U.S.C. 48. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

Donald S. Clark,  
Secretary.

[FR Doc. 91-5160 Filed 3-4-91; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. 9224]

### TK-7 Corp., et al.; Proposed Consent Agreement with Analysis to Aid Public Comment

**AGENCY:** Federal Trade Commission.  
**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, an Oklahoma-based corporation, that manufactures and distributes fuel additive products, and its officer, Moshe Tal, from making any representations concerning the efficacy

of any fuel or engine additives, unless they possess competent and reliable scientific evidence that substantiates the representation.

**DATES:** Comments must be received on or before April 8, 1991.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Lydia Parnes, FTC/H-238, Washington, DC 20580. (202) 326-3126.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 3.25(f) of the Commissions Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commissions Rules of Practice (16 CFR 4.9(b)(6)(ii)).

#### Agreement Containing Consent Order to Cease and Desist

In the Matter of TK-7 Corporation, a corporation, and MOSHE TAL, individually and as an officer of said corporation.

The agreement herein, by and between TK-7 Corporation, a corporation, by its duly authorized officer, and Moshe Tal, individually and as an officer of said corporation, hereafter sometimes referred to as respondents, and counsel for the Federal Trade Commission, is entered into in accordance with the Commissions Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent TK-7 Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Nevada, with its office and principal place of business located at 200 S.E. Third Street, in the City of Oklahoma City, State of Oklahoma.

Respondent Moshe Tal is the President of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging

them with violations of section 5(a) of the Federal Trade Commission Act, 15 U.S.C. 45 *et. seq.* Respondents have filed answers to said complaint denying said charges.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with related materials pursuant to Rule 3.25(f), will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of section 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' address as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may

<sup>1</sup> Copies of the Complaints and the Decision and Orders are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.



be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

8. Respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

## Order

### I

*It is ordered* that respondent TK-7 Corporation, a corporation; its successors and assigns, and its officers, and Moshe Tal, individually and as an officer of the corporation, and respondents, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the production, labeling, advertising, offering for sale, sale or distribution of any fuel additive or engine additive ("additive") in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, concerning the performance or efficacy of the additive, including, but not limited to, representations

A. That the additive provides top cylinder lubrication, reduces engine friction, and extends engine life;

B. That the additive lowers engine operating temperatures;

C. That the additive protects spark plugs from fouling and prevents carbon build-up;

D. That the additive increases engine power;

E. That the additive boosts fuel octane levels; and

F. That the additive increases gasoline mileage.

Unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; provided, however, that for purposes of this provision, to the extent such evidence consists of any test, analysis, research, study, or other evidence based on the expertise of professionals in the relevant area, such evidence shall be "competent and reliable" only if the test, analysis, research, study, or other evidence was conducted and evaluated in an objective

manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

### II

*It is further ordered* that for three (3) years from the date that the representation to which they pertain is last disseminated, respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials relied upon to substantiate any representation covered by this Order; and

B. All test reports, studies, surveys or other materials in their possession or control that contradict, qualify or call into question such representation or the basis upon which respondents relied for such representation, including complaints from consumers.

### III

*It is further ordered* that respondent TK-7 Corporation shall distribute a copy of this Order to each of its subsidiaries and divisions and to all present and future agents, representatives and employees having responsibility for advertising, production, packaging, quality control or corporate policy with respect to the subject matter of this Order; shall secure from each such person a signed and dated statement acknowledging receipt of the Order; and, shall maintain such statement for three (3) years after the end of such person's employment by respondents.

### IV

*It is further ordered* that respondent Moshe Tal shall promptly notify the Commission of the discontinuance of his present business or employment and for a period of ten (10) years from the date of service of this Order, respondent shall promptly notify the Commission of each affiliation with a new business or employment, each such notice to include respondent's new business address and a statement of the nature of the business or employment in which respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment.

### V

*It is further ordered* that respondent TK-7 Corporation and its successors and assigns shall notify the Commission at least thirty (30) days prior to any proposed change to itself, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change

which may affect compliance obligations arising out of this Order.

### VI

*It is further ordered* that respondents and their successors and assigns shall, within sixty (60) days after service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

## Analysis Of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the TK-7 Corporation and Moshe Tal, individually and as an officer of said corporation. The TK-7 Corporation, located in Oklahoma City, Oklahoma, is a manufacturer and distributor of fuel additive products known by the product name TK-7; Moshe Tal is President of the Corporation.

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

The complaint charges the TK-7 Corporation and Moshe Tal with making the following false and unsubstantiated representations about the TK-7 products:

1. TK-7 provides top cylinder lubrication, reduces engine friction, and extends engine life;
2. TK-7 lowers engine operating temperatures;
3. TK-7 protects spark plugs from fouling and prevents carbon buildup;
4. TK-7 increases engine power;
5. TK-7 boosts fuel octane levels; and,
6. TK-7 increases gasoline mileage.

Part III of the proposed consent order would require the TK-7 Corporation to distribute a copy of the order to each of its subsidiaries and divisions and all present and future agents and employees responsible for the advertising, production, packaging, quality control, or corporate policy with respect to fuel additives or engine additives. The proposed order would require the TK-7 Corporation to obtain a signed statement from each such person acknowledging receipt of a copy of the order, and to maintain the statement for

three years after the end of that person's employment with the corporation.

Part IV would require Moshe Tal to promptly notify the Commission of any change in his business or employment for a period of ten years from the date of service of the order. Finally, parts V and VI of the proposed consent order would require the TK-7 Corporation and Moshe Tal to file a compliance report within sixty (60) days after service of the order, and to promptly notify the Commission of any proposed change in the corporate structure.

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

Donald S. Clark,

*Secretary.*

[FR Doc. 91-5161 Filed 3-4-91; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Delegation of Authority; Assistant Secretary for Health

Notice is hereby given that I have delegated to the Assistant Secretary for Health, with authority to redelegate, all the authorities vested in the Secretary of Health and Human Services under title XXVI of the Public Health Service Act and Sections 402 and 403, Public Law 101-381, Ryan White Comprehensive AIDS Resources Emergency Act of 1990, as amended hereafter, as follows:

- Title XXVI—HIV Health Care Services Program
- Section 402—Study Regarding Partner Notification
- Section 403—Study Regarding HIV Disease in Rural Areas

This delegation excludes the authority to promulgate regulations and to submit reports to the Congress.

This delegation is effective upon the date of signature. In addition, I hereby affirm and ratify any actions taken by the Assistant Secretary for Health or his subordinates which, in effect, involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

Dated: February 21, 1991.

Louis W. Sullivan,  
*Secretary.*

[FR Doc. 91-5074 Filed 3-4-91 8:45 am]

BILLING CODE 4160-17-M

## Alcohol, Drug Abuse, and Mental Health Administration

### Advisory Committee Meeting in March

**AGENCY:** Alcohol, Drug Abuse, and Mental Health Administration, HHS.

**ACTION:** Correction of meeting notice.

**SUMMARY:** Public notice was given in the *Federal Register* on February 20, 1991, Volume 56, No. 34, on page 6861 that the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) AIDS Advisory Committee would meet on the National Institutes of Health Campus, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, MD 20892, on March 6 and 7. The location of the meeting has been changed to the Holiday Inn, Versailles Room, 8120 Wisconsin Avenue, Bethesda, Maryland 20814. The dates and hours of meeting remain the same.

Dated: February 28, 1991.

Peggy W. Cockrill,  
*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 91-5234 Filed 3-1-91; 11:25 am]

BILLING CODE 4160-20-M

## Health Resources and Services Administration

### Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1991:

**Name:** National Advisory Council on Health Professions Education  
**Date and time:** March 25-26, 1991, 9 a.m.  
**Place:** Conference Room G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on March 25, all day  
Closed on March 26, all day

**Purpose:** The Council advises the Secretary with respect to the administration of programs of Financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

**Agenda:** The open portion of the meeting will cover welcome and opening remarks, report of the Administrator, Health Resources and Services Administration; report on status of activities and initiatives in the Bureau of Health Professions; and an update on

the status of the Health Professions Legislation.

The meeting will be closed on March 28 all day for the review of applications for financial assistance for Grants for Area Health Education Centers (A2), Area Health Education Centers (A1), Health Careers Opportunity Program, Health Education Training Centers, Predoctoral Training in Family Medicine, Physician Assistants, Establishment of Departments of Family Medicine, Two-Year Programs of Schools of Medicine or Osteopathic Medicine, Centers for Excellence in Minority Health, Health Administration Graduate Program, Geriatric Education Centers, Special Projects to Schools of Public Health, AIDS Regional Education and Training Centers.

The closing is in accordance with the provisions set forth in section 552b(c)(6) title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92-463.

Anyone requiring information regarding the subject Council should contact Ms. Wilma J. Johnson, Executive Secretary, National Advisory Council on Health Professions Education, Room 8C-28, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6880.

Agenda Items are subject to change as priorities dictate.

Dated: February 28, 1991.

Jackie E. Baum,  
*Advisory Committee Management Officer, HRSA.*

[FR Doc. 91-5177 Filed 3-4-91; 8:45 am]

BILLING CODE 4160-15-M

## National Institutes of Health

### National Center for Research Resources: Meeting of the Biomedical Research Technology Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Research Technology Review Committee, National Center for Research Resources, National Institutes of Health.

This meeting will be open to the public as listed below for a brief staff presentation on the current status of the Biomedical Research Technology Program and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law

92-463, the meeting will be closed to the public as listed below for the review, discussion and evaluation of individual grant applications submitted to the Biomedical Research Technology Program. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Biomedical Research Technology Review.

*Date of Meeting:* April 3-5, 1991.

*Place of Meeting:* Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD 20852.

*Open:* April 4-8 a.m.-9 a.m. (Approximately).

*Closed:*

April 3-8 a.m.—Recess.

April 4-9 a.m.—Recess.

April 5-8 a.m.—Adjournment.

Mr. James J. Doherty, Information Officer, National Center for Research Resources, 5333 Westbard Avenue, room 10A15, Bethesda, Maryland 20892, (301) 496-5545, will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Ismael Almodovar, Executive Secretary of the Biomedical Research Technology Review Committee, National Center for Research Resources, National Institutes of Health, 5333 Westbard Avenue, room 10A14, Bethesda, Maryland 20892, (301) 496-9971 will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 93.371, Biomedical Research Technology, National Institutes of Health.)

Dated: February 19, 1991.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 91-5167 Filed 3-4-91; 8:45 am]

BILLING CODE 4140-01-M

**National Institute of Arthritis and Musculoskeletal and Skin Diseases; Meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee (AMS) of the National Institute of Arthritis and Musculoskeletal and Skin Diseases on March 21 and 22, 1991, Guest Quarters, Calvert Room, 7335 Wisconsin Avenue, Bethesda, Maryland.

The meeting will be open to public on March 21 from 8 p.m. to 8:30 p.m. to discuss administrative details or other issues relating to the committee activities. Attendance by the public will be limited to space available.

The meeting will be closed to the public on March 21 from 8:30 p.m. to recess and again on March 22 to adjournment in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning this meeting may be obtained from Dr. Melvin H. Gottlieb, Executive Secretary, Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee, NIAMS, Westwood Building, room 5A07, Bethesda, Maryland 20892, (301) 496-0754.

Ms. Suzanne Sangalan, Committee Management Officer, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, Building 31, room 4C27, Bethesda, Maryland 20892, 301-496-0803, will provide summaries of the meeting and roster of the committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 13.846, project grants in arthritis, musculoskeletal and skin diseases research, National Institutes of Health)

Dated: February 19, 1991.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 91-5168 Filed 3-4-91; 8:45 am]

BILLING CODE 4140-01-M

**National Institute of Environmental Health Sciences; Meeting of Environmental Health Sciences Review Committee**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on March 25-26, in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina. The meeting will be open to the public on March 25 from 9 a.m. to approximately 11:30 a.m. for general discussion. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on March 25, from 11:30 a.m. to adjournment on March 26, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Drs. John Braun, Carol Shreffler or Donald McRee, Executive Secretaries, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919-541-7826), will provide summaries of meeting and rosters of committee members.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated: February 19, 1991.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 91-5169 Filed 3-4-91; 8:45 am]

BILLING CODE 4140-01-M

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[AK-967-4230-15; AA-8446-A]

**Alaska; Alaska Native Claims Selection; Chenega Corp.**

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to The Chenega Corporation. The lands involved are in the vicinity of Chenega, Alaska.

Seward Meridian, AK (Partially Surveyed)

T. 4 N., R. 7 E.,

Secs. 11, 14 and 15;

Secs. 22, 27 and 28.

A notice of the decision will be published once a week, for four (4)

consecutive weeks, in the Cordova Times. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions, an agency of the Federal government, or regional corporation, shall have until April 4, 1991, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,

*Acting Chief, Branch of KCS, Adjudication.*

[FR Doc. 91-5121 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-JA-M

[NV-930-91-4212-13; N-53583]

#### **Realty Action; Exchange of Public Lands, Clark County, NV**

The following described public lands in Las Vegas, Clark County, Nevada are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

##### **Mount Diablo Meridian, Nevada<sup>1</sup>**

T. 21 S., R. 60 E.,

Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,

Sec. 29, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Aggregating 60 acres (gross).

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this notice in the **Federal Register**, will segregate the public lands, as described in this notice, from all forms of appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two

years from the date of publication, whichever occurs first.

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.

Dated: February 25, 1991.

Gary Ryan,

*Associate District Manager, Las Vegas, NV.*

[FR Doc. 91-5063 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-91-4212-11; N-52572]

#### **Realty Action; Lease/Purchase for Recreation and Public Purposes, Clark County, NV**

The following described public land in Henderson, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register**.

##### **Mount Diablo Meridian, Nevada**

T. 22 S., R. 62 E.,

Sec. 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Aggregating 40 acres (gross)

This parcel of land contains approximately 40 acres. The City of Henderson intends to use the land for park site. The lease and/or 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, 26 stat. 391, 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 and public utilities in accordance with the transportation plan for Clark County/ the City of Las Vegas.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

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 recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested 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**.

Dated: February 25, 1991.

Gary Ryan,

*Associate, District Manager, Las Vegas, NV.*

[FR Doc. 91-5065 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-91-4212-14; N-50911]

#### **Realty Action; Non-Competitive Sale of Public Lands in Clark County, NV**

The following described public land in Las Vegas, Clark county, Nevada has been determined to be suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is section 203 of P.L. 94-579, the Federal Land Policy and Management Act of 1976 (FLPMA). The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

##### **Mount Diablo Meridian, Nevada**

T. 20 S., R. 60 E.,

Sec. 7: S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ S E $\frac{1}{4}$ SW $\frac{1}{4}$ .

Aggregating 10 acres (gross).

This parcel of land, situated in Las Vegas is being offered as a direct sale to the Las Vegas Valley Water District. This land is not required for any federal purposes. The sale is consistent with the Bureau's planning system. The sale of this parcel would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct

sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a \$50.00 non-returnable filing fee for conveyance of the available mineral interests.

The patent, when issued, 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, 26 Stat. 391, 43 U.S.C. 945.

2. Oil, gas, sodium, potassium and saleable minerals, and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County/ the city of Las Vegas.

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. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

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 who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Public Law 94-579, or other applicable laws.

Dated: February 25, 1991.

Gary Ryan,

Associate District Manager, Las Vegas, NV.

[FR Doc. 91-5064 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-HC-M

[NM-940-01-4730-12]

#### Filing of Plats of Survey; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

**New Mexico Principal Meridian, New Mexico**  
T. 7 N., R. 2 E., Accepted February 13, 1991, for Group 829 NM.

T. 28 S., R. 20 W., Accepted February 13, 1991, for Group 865 NM.

T. 11 S., R. 15 E., Accepted February 20, 1991, for Group 863 NM.

A Survey within the Tierra Amarilla Grant, Accepted February 13, 1991, for Group 868 NM.

#### Indian Meridian, Oklahoma

T. 22 N., R. 5 E., Accepted February 13, 1991, for Group 56 OK.

T. 19 N., R. 5 E., Accepted February 13, 1991, for Group 56 OK.

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

These plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504-1449. Copies may be obtained from this office upon payment of \$2.50 per sheet.

John P. Bennett,

Chief, Cadastral Survey.

[FR Doc. 91-5122 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-FB-M

[OR-943-01-4214-11; GP1-117; WASH-04753]

#### Proposed Continuation of Withdrawal; Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture, Forest Service, proposes that a portion of the land withdrawal for recreation and administrative purposes continue of an additional 20 years and requests that the lands involved remain closed to mining.

#### FOR FURTHER INFORMATION CONTACT:

Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

The Forest Service purposes that the existing land withdrawal made by Public Land Order No. 3335 dated February 24, 1964, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following identified lands and projects are involved:

#### Okanogan National Forest

Roads End Campground, 10 acres located in Sec. 11, T. 34 N., R. 18 E., unsurveyed, W.M., in Okanogan County, approximately 18 miles west of Winthrop.

South Creek Campground, 10 acres located in Sec. 19, T. 34 N., R. 19 E., unsurveyed, W.M., in Okanogan County, approximately 18 miles west of Winthrop.

Poplar Flat Campground, 30 acres located in Sec. 29, T. 34 N., R. 19 E., unsurveyed, W.M., in Okanogan County, approximately 16 miles west of Winthrop.

War Creek Campground, 20 acres located in Sec. 18, T. 33 N., R. 20 E., unsurveyed, W.M., in Okanogan County, approximately 13 miles west of Twisp.

Blackpine Lake Campground, 40 acres located in Sec. 36, T. 33 N., R. 20 E., unsurveyed, W.M., in Okanogan County, approximately 8 miles southwest of Twisp.

J.R. Campground, 40 acres located in Sec. 1, T. 33 N., R. 23 E., W.M., in Okanogan County, approximately 12 miles east of Twisp.

Loup Loup Ski Bowl, 81.06 acres located in Secs. 1 and 2, T. 33 N., R. 23 E., W.M., in Okanogan County, approximately 12 miles east of Twisp.

Loup Loup Campground, 60.06 acres located in Sec. 1, T. 33 N., R. 23 E., and Sec. 36, T. 34 N., R. 23 E., unsurveyed, W.M., in Okanogan County, approximately 12 miles east of Twisp.

Tiffany Campground, 10 acres located in Sec. 16, T. 37 N., R. 23 E., W.M., in Okanogan County, approximately 18 miles northeast of Twisp.

Long Swamp Campground, 20 acres located in Sec. 27, T. 39 N., R. 23 E., W.M., in Okanogan County, approximately 15 miles west of Loomis.

Kerr Campground, 10 acres located in Sec. 23, T. 36 N., R. 24 E., W.M., in Okanogan County, approximately 6 miles northwest of Conconully.

Oriole Campground, 10 acres located in Sec. 25, T. 36 N., R. 24 E., W.M., in Okanogan County, approximately 6 miles northwest of Conconully.

Cottonwood Campground, 10 acres located in Sec. 25, T. 36 N., R. 24 E., W.M., in Okanogan County, approximately 6 miles northwest of Conconully.

Salmon Meadows Campground, 20 acres located in Secs. 32 and 33, T. 37 N., R. 24 E., in Okanogan County, approximately 9 miles northwest of Conconully.

Salmon Meadows Recreational Residence Area, 20 acres located in Sec. 33, T. 37 N., R. 24 E., W.M., in Okanogan County,

approximately 9 miles northwest of Conconully.

Sugarloaf Campground, 20 acres located in Sec. 28, T. 38 N., R. 25 E., W.M., in Okanogan County, approximately 2 miles northeast of Conconully.

Crawfish Lake Campground, 20.25 acres located in Sec. 33, T. 35 N., R. 29 E., W.M., in Okanogan County, approximately 14 miles east of Riverside.

Lyman Lake Campground, 26.76 acres located in Secs. 14 and 24, T. 35 N., R. 30 E., W.M., in Okanogan County, approximately 21 miles east of Riverside.

Sweat Creek Campground, 20 acres located in Sec. 28, T. 37 N., R. 31 E., W.M., in Okanogan County, approximately 10 miles west of Republic.

Beaver Lake Campground, 20.375 acres located in Sec. 25, T. 39 N., R. 30 E., W.M., in Okanogan County, approximately 9 miles north of Wauconda.

Lost Lake Campground, 83.27 acres located in Secs. 28 and 29, T. 39 N., R. 30 E., W.M., in Okanogan County, approximately 8 miles north of Wauconda.

Early Winters Campground, 25 acres located in Sec. 26, T. 36 N., R. 19 E., unsurveyed, W.M., in Okanogan County, approximately 2 miles west of Mazama.

Rattlesnake Campground, 10 acres located in Sec. 2, T. 36 N., R. 18 E., unsurveyed, W.M., in Okanogan County, approximately 9 miles west of Mazama.

Falls Creek Campground, 14.59 acres located in Sec. 12, T. 36 N., R. 21 E., W.M., in Okanogan County, approximately 10 miles north of Winthrop.

Memorial Campground, 11.22 acres located in Sec. 35, T. 36 N., R. 21 E., unsurveyed, W.M., in Okanogan County, approximately 8 miles north of Winthrop.

Camp Four Campground, 20 acres located in Sec. 7, T. 37 N., R. 22 E., W.M., in Okanogan County, approximately 18 miles north of Winthrop.

Brevicomis Recreation Residence Area, 30 acres located in Sec. 19, T. 37 N., R. 22 E., unsurveyed, W.M., in Okanogan County, approximately 15 miles north of Winthrop.

Chewack Campground, 20 acres located in Sec. 30, T. 37 N., R. 22 E., unsurveyed, W.M., in Okanogan County, approximately 13 miles north of Winthrop.

Thirtymile Campground, 20 acres located in Sec. 1, T. 38 N., R. 22 E., unsurveyed, W.M., in Okanogan County, approximately 18 miles east of Loomis.

Lake Creek Campground, 10 acres located in Sec. 30, T. 38 N., R. 22 E., unsurveyed, W.M., in Okanogan County, approximately 18 miles north of Winthrop.

Rivers Bend Campground, 10 acres located in Sec. 1, T. 36 N., R. 18 E., unsurveyed, W.M., in Okanogan County, approximately 8 miles northwest of Mazama.

The withdrawal currently segregates the lands from operation of the mining Laws, but not the public land laws generally and the mineral leasing laws. The Forest Service requests no changes 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 lands 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: February 13, 1991.

Robert E. Mollohan,  
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 91-5117 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-33-M

#### National Park Service

##### Availability of Plan of Operations and Environmental Assessment Geophysical Exploration Inland Geophysical Services, Inc.; Big Thicket National Preserve Jefferson, Orange, and Hardin Counties, TX

Notice is hereby given in accordance with § 9.52(b) of title 36 of the Code of Federal Regulations that the National Park Service has received from Inland Geophysical Services, Inc., a Plan of Operations for a geophysical survey within the Beaumont Unit of Big Thicket National Preserve, located within Jefferson, Orange, and Hardin Counties Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment, for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 3785 Milam, Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1220 South St. Francis Drive, room 211, Santa Fe, New Mexico. Copies are available from the Southwest Regional Office, Post Office Box 728, Santa Fe, New Mexico 87504-0728 and will be sent upon request.

Dated: February 13, 1991.

John E. Cook,  
Regional Director, Southwest Region.

[FR Doc. 91-5091 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

##### Availability of Plan of Operations and Environmental Assessment for Proposed Jetty System Maintenance Project and Operations Plan for Two Natural Gas Pipelines; Trunkline Gas Co.; Big Thicket National Preserve Jasper and Hardin Counties, TX

Notice is hereby given in accordance with § 9.52(b) of title 36 of the Code of Federal Regulations that the National Park Service has received from Trunkline Gas Company a Plan of Operations for a Proposed Jetty System Maintenance Project and Operations Plan for Two Natural Gas Pipelines located within the Neches River Unit of Big Thicket National Preserve, Jasper and Hardin Counties, Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment, for a period of 30 days from the publication date of this notice, in the Office of the Superintendent, Big Thicket National Preserve, 3785 Milam, Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1220 South St. Francis Drive, room 211, Santa Fe, New Mexico. Copies are available from the Southwest Regional Office, Post Office Box 728, Santa Fe, New Mexico 87504-0728 and will be sent upon request.

Dated: February 13, 1991.

John E. Cook,  
Regional Director, Southwest Region.

[FR Doc. 91-5092 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

##### Availability of Plan of Operations and Environmental Assessment for Directionally Drilling Gas Well State CR 4-4"B" APX Corp. Lake Meredith National Recreation Area Potter County, TX

Notice is hereby given in accordance with § 9.52(b) of title 36 of the Code of Federal Regulations that the National Park Service has received from APX Corporation a Plan of Operations for Directionally Drilling the State CR 4-4"B" Gas Well within Lake Meredith National Recreation Area, Potter County, Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment, for a period of 30 days from the publication date of this notice, in the Office of the Superintendent, Lake Meredith National Recreation Area, 419 East Broadway, Fritch, Texas; and the Southwest Regional Office, National Park Service, 1220 South St. Francis Drive, room 211, Santa Fe, New Mexico.

Copies are available from the Southwest Regional Office, Post Office Box 728, Santa Fe, New Mexico 87504-0728, and will be sent upon request.

Dated: February 13, 1991.

John E. Cook,

*Regional Director, Southwest Region.*

[FR Doc. 91-5090 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

### Delaware and Lehigh Navigation Canal National Heritage Corridor; Meeting

**AGENCY:** National Park Service; Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the date of the forthcoming meeting of the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission.

**DATES:** March 22, 1991.

**INCLEMENT WEATHER RESCHEDULE DATE:** None.

**ADDRESSES:** Bristol Riverside Theatre, 120 Radcliffe Street, Bristol, PA.

**FOR FURTHER INFORMATION CONTACT:** Milly Alvarez, Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 10 East Church Street, room P-208, Bethlehem, PA 18018 215-861-9345.

**SUPPLEMENTARY INFORMATION:** The Commission was established by Public Law 100-692 to assist the Commonwealth and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historical and natural resources. The Commission will report to the Secretary of the Interior and to Congress. The agenda for the meeting will focus on the planning process.

The meeting will be open to the public. Any member of the public may file a written statement concerning agenda items. The statement should be addressed to National Park Service, Mid-Atlantic Regional Office, Division Park and Resource Planning, 260 Custom House, 200 Chestnut Street, Philadelphia, PA, 19106, attention: Deirdre Gibson.

Minutes of the meeting will be available for inspection four weeks after the meeting, at the above-named address.

James W. Coleman, Jr.,

*Regional Director, Mid-Atlantic Region.*

[FR Doc. 91-5138 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

### Cape Krusenstern National Monument Subsistence Resource Commission, et al.; Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Subsistence Resource Commission meeting.

**SUMMARY:** The Superintendent of the Northwest Alaska Areas and the Chairpersons of the Subsistence Resource Commissions (SRC) for Cape Krusenstern National Monument and Kobuk Valley National Park announce a forthcoming meeting.

The following agenda items will be discussed:

- (1) Call to order.
- (2) Introduction of commission members and guests.
- (3) Review and approval of minutes from last meeting.
- (4) Election of chairpersons.
- (5) Review of SRC role and function.
- (6) Subsistence court cases and legal update.
- (7) Federal subsistence management program update.
- (8) Hunting plan recommendations.
- (9) Public and agency comments.
- (10) New business.
- (11) Adjournment.

**DATES:** The meeting will begin at 9 a.m. on Tuesday, March 12, 1991, and conclude around 5 p.m.

**LOCATION:** The meeting will be held at the National Guard Armory, Kotzebue, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Ralph Tingey, Superintendent, P.O. Box 1029, Kotzebue, Alaska 99752. Phone (907) 442-3890.

**SUPPLEMENTARY INFORMATION:** The Subsistence Resource Commissions are authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96-487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Paul Haertel,

*Acting Regional Director.*

[FR Doc. 91-5139 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

### Wrangell-St. Elias National Park Subsistence Resource Commission; Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Subsistence Resource Commission meeting.

**SUMMARY:** The Superintendent of Wrangell-St. Elias National Park and Preserve and the Chairperson of the Subsistence Resource Commission for

Wrangell-St. Elias National Park announce a forthcoming meeting of the Wrangell-St. Elias National Park Subsistence Resource Commission.

The following agenda items will be discussed:

- (1) Introduction of commission members and guests.
- (2) Election of chairperson.
- (3) Old business.
  - a. Review SRC role and function.
  - b. Review December meeting minutes.
  - c. Hunting plan work session.
- Review recommendations and public comments.
- Redraft and prepare recommendations for submission to Secretary and Governor.
- (4) New business.
  - a. Federal subsistence program update.
  - b. Park subsistence resource report (populations and seasons/bag limits).
  - c. Establish date for next meeting.
- (5) Adjournment.

**DATES:** The meeting will begin at 9 a.m. on Tuesday, March 19, 1991, and conclude around 5 p.m. The meeting will convene at 9 a.m. on Wednesday, March 20, 1991, and conclude that afternoon.

**LOCATION:** The meeting will be held at the Caribou Restaurant Conference Room in Glennallen, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Karen Wade, Superintendent, P.O. Box 29, Glennallen, Alaska 99588. Phone (907) 822-5234.

**SUPPLEMENTARY INFORMATION:** The Subsistence Resource Commission is authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96-487, and operates in accordance with the provisions of the Federal Advisory Committees Act.

Paul Haertel,

*Acting Regional Director.*

[FR Doc. 91-5140 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

### National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 23, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC

20013-7127. Written comments should be submitted by March 20, 1991.

**Beth L. Savage,**  
*Acting, Chief of Registration, National Register.*

#### ARKANSAS

##### Poinsett County

*Rivervale Inverted Siphons, Just SW of AR 135 across Little R., Rivervale. 91000339*

#### CALIFORNIA

##### Los Angeles County

*Tuna Club of Avalon, 100 St. Catherine Way, Catalina Island, Avalon. 91000338*

##### Orange County

*VIRGINIA (sloop), Dana Point Youth & Group Facility, W. basin, Dana Point Harbor, Dana Point, 91000337*

##### San Luis Obispo County

*Arroyo Grande 100F Hall, 128 Bridge St., Arroyo Grande, 91000344*

##### Tuolumne County

*Gamble Building and Miner's Bean Kettle, 17544 CA 120, Big Oak Flat, 91000335*

#### LOUISIANA

##### Avoyelles Parish

*Texas and Pacific Railroad Depot, Jct. of W. Main and Oak Sts., Bunkie, 91000345*

##### Orleans Parish

*Howard Memorial Library, 615 Orleans Ave., New Orleans, 91000343*

#### MICHIGAN

##### Marquette County

*Cohodas, Sam, Lodge, Off US 41 and E end of Lake Michigamme, Michigamme Township, Champion vicinity, 91000331*

*Granot Loma, Co. Rd. 5650 on Lake Superior shore N of Thoneys Pt., Powell Township Marquette vicinity, 91000330*

##### Wayne County

*Sibley, Frederic M., Lumber Company Office Building, 6460 Kercheval Ave., Detroit, 91000329*

#### MONTANA

##### Flathead County

*Heller Building, 140 Main St., Kallispell, 91000332*

##### Lewis and Clark County

*Olson House, 516 W. Park, Helena, 91000333*

##### Missoula County

*Missoula Southside Historic District, Roughly bounded by the Clark Fork R., S. Higgins Ave., S. 6th W. and Orange St., Missoula, 91000334*

#### NEW YORK

##### Seneca County

*Seneca Falls Village Historic District, Roughly, properties along State and Cayuga Sts. from Butler and Auburn to Canal St., including Van Cleef Lake, Seneca Falls, 91000342*

#### NORTH CAROLINA

##### Forsyth County

*Bethania Historic District (Boundary Increase), Roughly, area outside present district W and N along Muddy Cr., S to Reynolda Rd. and E along Walker Rd., Bethania, 91000346*

##### Swain County

*Hyatt, Abel, House, E. side NC 1168. 0.2 mi. N of jct with NC 1191, Bryson City vicinity, 91000340*

#### TEXAS

##### Cooke County

*Cooke County Courthouse, Public Square, bounded by California, Dixon, Main and Commerce Sts., Gainesville, 91000336*

#### WISCONSIN

##### La Crosse County

*Chambers—Markle Farmstead, 6104 W1 35, La Crosse, 91000341*

[FR Doc. 91-5048 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

### National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 16, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by March 20, 1991.

**Carol D. Shull,**

*Chief of Registration, National Register.*

#### CALIFORNIA

##### Calaveras County

*New Melones Archeological District, Address Restricted, Angels Camp vicinity, 91000327*

##### Contra Costa County

*Rodgers, Patrick, Farm, 315 Cortsen Rd., Pleasant Hill, 91000305*

##### Fresno County

*Twining Laboratories, 2527 Fresno St., Fresno, 91000308*

#### MAINE

##### Cumberland County

*Portland Railroad Company Substation, US 1, West Scarborough, 91000320*

##### Franklin County

*Thompson's Bridge, Over Thompson's Cr. off N. side of ME 43 at Franklin—Somerset Co. line, Allen's Mills vicinity, 91000321*

#### Hancock County

*Jesup Memorial Library [Maine Public Libraries], 34 Mt. Desert St., Bar Harbor, 91000323*

#### Knox County

*Chestnut Street Historic District, Chestnut St. from Elm to Beacon Ave. including parts of Penobscot, Pleasant and Wood Sts., and Dillingham Pt., Camden, 91000325*

#### Lincoln County

*Dodge Point Site, Address Restricted, Newcastle vicinity, 91000319*

#### Oxford County

*Main Street Historic District, Main Street from Portland St. to about Swans Falls Rd., Fryeburg, 91000324*

#### Piscataquis County

*Sangerville Town Hall, Main St., Sangerville, 91000322*

#### NEW JERSEY

##### Warren County

*Imlaydale Histroic District, Imlaydale Rd. and surrounding land between NJ 31 and the Musconetcong R., Washington and Lebanon Townships, Hampton vicinity, 91000306*

#### OHIO

##### Cuyahoga County

*Greyhound Bus Station, 1465 Chester Ave., Cleveland, 91000302*

##### Licking County

*Fuller House, 203 N. Main St., Utica, 91000304*

##### Washington County

*Hune, William, Farm, OH 26 N of Dart, Reno, 91000303*

#### OKLAHOMA

##### Okmulgee County

*Severs Block, 101 E. 6th St., Okmulgee, 91000311*

##### Tillman County

*Hubbard, William and Mabel Donahoo, House, 323 E. 5th St., Grandfield, 91000310*

##### Tulsa County

*McLean, B. W., House and Office, 123 E. A St., Jenks, 91000309*

#### PENNSYLVANIA

##### Montgomery County

*Dawesfield, 565 Lewis Ln., Whitpain Township, Ambler, 91000318*

#### TENNESSEE

##### Shelby County

*Campbell, Joseph A., House (Collierville MPS), 215 South St., Collierville, 91000314*  
*Collins Chapel CME Church and Site, 878 Washington Ave., Memphis, 91000307*  
*Dudney, Jack, House (Collierville MPA), 90 W. Poplar Ave., Collierville, 91000315*  
*Houston, J.W., House (Collierville MPS), 259 S. Center St., Collierville, 91000313*  
*McFerrin, John B., House (Collierville MPS), 156 W. Poplar Ave., Collierville, 91000316*



Thomas, John W., House (Collierville MPS),  
245 W. Poplar Ave., Collierville, 91000312

#### WYOMING

##### Crook County

McKean Archeological Site (48CK7), Address  
Restricted, Moorcroft vicinity, 91000326

[FR Doc. 91-5047 Filed 3-4-91; 8:45 am]

BILLING CODE 4310-70-M

#### DEPARTMENT OF JUSTICE

##### Lodging a Final Judgment by Consent; Burlington Northern Railroad Co. et al.

Notice is hereby given that on February 22, 1991, a proposed Consent Decree in *United States v. Burlington Northern Railroad Company and Burlington Northern, Inc.*, Civil Action No. CV91-32-M-CCL was lodged with the United States District Court for the District of Montana.

The proposed consent decree requires Burlington Northern Railroad Company ("BNRR") and Burlington Northern, Inc. ("BNI") to partially implement the September 27, 1989 Record of Decision ("ROD") of the United States Environmental Protection Agency ("EPA") to address the release and threatened release of hazardous substances at the Burlington Northern (Somers Site), in the vicinity of Somers, Montana. The ROD selects bioremediation of soils and groundwater at the site as the primary remedy with deep excavation and incineration of soils selected in the event bioremediation proves impracticable. The remedial work to be conducted by BNRR and BNI under the proposed decree includes pilot studies of bioremediation of soils and groundwater at the site to determine practicability, implementation of the bioremediation component of the selected remedy in the event the pilot studies establish the practicability of bioremediation, and implementation of a wetlands restoration plan. The decree also requires BNRR and BNI to pay \$1,066,091.18 toward the federal government's past costs incurred in connection with the site, and to pay all future oversight costs to be incurred by the United States at the site overseeing the implementing of work under the decree.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. 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. Burlington Northern Railroad Corporation and Burlington Northern, Inc.*, DOJ Ref. No. 90-11-2-412. The proposed consent decree may be examined at the office of the United States Attorney, District of Montana, Federal Building, 301 S. Park Avenue, Helena, Montana, or at the office of the Environmental Protection Agency, Region VIII, Montana Office, Federal Building, 301 S. Park Avenue, Helena, Montana. A copy of the proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of \$22.00 (25 cents per page reproduction costs) payable to "Consent Decree Library".

Richard B. Stewart,

Assistant Attorney General, Environment and  
Natural Resources Division.

[FR Doc. 91-5118 Filed 3-4-91; 8:45 am]

BILLING CODE 4410-01-M

##### Lodging of Consent Decree; National Wrecking Co., et al.

In accordance with Departmental policy, notice is hereby given that on February 20, 1991, a proposed Stipulation and Order in *United States v. National Wrecking Co., et al.*, was lodged with the United States District Court for the Northern District of Illinois. The proposed Stipulation and Order provides for payment by defendants of \$4,000 in penalties for violations of the asbestos NESHAP standards.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Stipulation and Order. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, 10th Street & Pennsylvania Ave., NW., Washington, DC 20530, and should refer to *United States v. National Wrecking Co.*, D.J. reference #90-5-2-1-1173.

The proposed Stipulation and Order may be examined at the office of the United States Attorney, Northern District of Illinois, 1500 South, Everett McKinley Dirksen Bldg., 219 5. Dearborn St., Chicago, Illinois 60604, at the Region V office of the United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Environment and Natural Resources Division of the

Department of Justice, room 1515, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Stipulation and Order may be obtained in person or by mail from the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.50 payable to the Treasurer of the United States.

Richard B. Stewart,

Environment and Natural Resources,

Assistant Attorney General.

[FR Doc. 91-5119 Filed 3-4-91; 8:45 am]

BILLING CODE 4410-01-M

##### Lodging of Consent Decree

##### Union Research Co., Inc., et al.

In accordance with departmental policy, 28 CFR 50.7, notice is hereby given that on February 25, 1991, a proposed Consent Decree in *United States v. Union Research Co., Inc., et al.*, Civil No. 87-0355 B, was lodged with the United States District Court for the District of Maine resolving Counts II and III of the Complaint filed in this matter as to defendant Ethan Allen, Inc. The proposed Consent Decree concerns defendant's response to an information request sent by the United States Environmental Protection Agency, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, and the Resource Conservation and Recovery Act, as amended.

Under the terms of the Consent Decree, defendant will pay the United States \$21,000 to settle the United States' claim (under Counts II and III of the Complaint), for injunctive relief and penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Union Research Co., Inc.*, D.O.J. Ref. 90-11-2-227.

The proposed Consent Decree may be examined at the Region I Office of the Environmental Protection Agency, 1 Congress Street, Boston, MA. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20044, (202 347-2072). A copy of the proposed Consent Decree may be

obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Box 1097, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$2.50 (25 cents per page reproduction cost) made payable to Consent Decree Library.

Richard B. Stewart,

*Assistant Attorney General, Environment and Natural Resources Division.*

[FR Doc. 91-5120 Filed 3-4-91; 8:45 am]

BILLING CODE 4410-01-M

### Lodging a Final Judgment by Consent Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on February 20, 1991, a proposed consent decree in *United States v. Westchem Agricultural Chemicals, Inc., Wenco, Ltd. and Thomas A. Wentz*, was lodged with the United States District Court for the District of North Dakota. The decree pertains to the Westchem Site in Minot, North Dakota. The proposed consent decree requires the settling defendants to pay the United States \$280,000, plus interest, which will accrue from the date of entry of this consent decree, until total payment is made on or around April 5, 1991, in reimbursement of past response costs.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. 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. Westchem Agricultural Chemicals, Inc., et al.* (D.N.D.) and DOJ Ref. No. 90-11-3-627. The proposed consent decree may be examined at the office of the United States Attorney, 452 U.S. Post Office & Courthouse, Third Street and Rosser Avenue, Bismarck, North Dakota; at the office of the Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado; or at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004 (202-347-2072). A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy please enclose a check in the amount of \$2.50

(25 cents per page reproduction costs) payable to "Consent Decree Library".

Richard B. Stewart,

*Assistant Attorney General, Environment and Natural Resources Division.*

[FR Doc. 91-5067 Filed 3-4-91; 8:45 am]

BILLING CODE 4410-01-M

### [AAG/A Order No. 47-10]

### Privacy Act of 1974; Removal of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), and for reasons given below, the Immigration and Naturalization Service (INS), Department of Justice, is removing from the Department's compilation of Privacy Act issuances the following systems of records:

Application/Petition Tracking System (APTS), JUSTICE/INS-002

Top Priority Program (TPP), JUSTICE/INS-004

Case Control System, JUSTICE/INS-005

(These systems were last published on December 11, 1987 (52 FR 47253, 47255, and 47256 respectively).)

Records in the APTS system were incorporated into a new Privacy Act system of records of much broader scope entitled "Fees Application Receipt and Entry System (FARES), JUSTICE/INS-013," which was published on May 30, 1989 (53 FR 22972).

Records in the TPP system were established as temporary records and have been routinely destroyed in accordance with General Records Schedule (GRS) No. 23, item 9, i.e., one year after the individual or organization ceased to be an active subject of the TPP system. This program has not been active since 1980. To the extent that records of a similar type exist in INS official files, they may be accessed from a system entitled "Immigration and Naturalization Service (INS) Alien File (A-File) and Central Index System (CIS), JUSTICE/INS-001A," which was last published on May 11, 1988 (53 FR 16797).

Records in the Case Control System are actually duplicated in the Central Index System (named above), or in a system entitled "Deportable Alien Control System (DACS), JUSTICE/INS-012," which was last published on November 26, 1990 (55 FR 49181). Therefore, it has been determined that it is no longer necessary to maintain a separate system. Accordingly, records of the Case Control System have been deleted in accordance with GRS No. 20, item 9, and no new records are being added to the system. Thus, all requests that would otherwise be made to access

the Case Control System should now be made to access the Central Index and DACS systems. Instructions for accessing INS record systems are included in "JUSTICE/INS-999, Appendix: List of Principal Offices of the INS," which was last published on February 4, 1983 (48 FR 5350), and/or in the published systems of records.

The Department is also removing from its compilation of Privacy Act issuances the following Appendix:

JUSTICE/CRM-999, Appendix to Criminal Division's Systems of Records; Field Office Addresses of Organized Crime and Racketeering Sections Where Records May Be Located (last published on December 11, 1987 (52 FR 47205)).

The Organized Crime Strike Forces have been removed from the control of the Organized Crime and Racketeering Section, Criminal Division (CRM), and reassigned to the 94 U.S. Attorney (USA) offices which are identified in JUSTICE/USA-999, Appendix of United States Attorneys' Office Locations. This Appendix was last published on November 26, 1990 (55 FR 49150). Related USA strike force records may be accessed from a system of records entitled "Criminal Case Files, JUSTICE/USA-007," which was last published January 22, 1988 (53 FR 1861). Instructions for accessing USA records are contained in the published Appendix, and/or in the published systems of records.

Dated: February 12, 1991.

Harry H. Flickinger,

*Assistant Attorney General for Administration.*

[FR Doc. 91-5066 Filed 3-4-91; 8:45 am]

BILLING CODE 4410-10-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 show below, not later than March 15, 1991.

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 March 15, 1991.

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 19th day of February 1991.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

APPENDIX

	Petitioner (union/workers/firm)	Location	Date received	Petition No.	Articles produced
Airfoil Textron (Wkrs)	Elwood, IN	02/19/91	02/05/91	25,409	Compressor & fan blades.
Airwick Industries Corp. (Wkrs)	Carlstadt, NJ	02/19/91	02/09/91	25,410	Air fresheners.
ARCO Oil & Gas Co.	Seminole, OK	02/19/91	02/01/91	25,411	Oil & gas.
Bethlehem Steel Corp., Sparrows Point Pk (Wkrs)	Baltimore MD	02/19/91	02/06/91	25,412	Steelslabs, ingots.
Bimbaum & England Knitting Mills (Wkrs)	Brooklyn, NY	02/19/91	02/06/91	25,413	Sweaters.
Cambria Mills Coal Co., Inc. (Wkrs)	Coalport, PA	02/19/91	02/05/91	25,414	Coal.
Cyprus Tonopah Mining (Wkrs)	Tonopah, NY	02/19/91	01/28/91	25,415	Molybdenum & copper.
Data Gen. Training & Conf. Center (Wkrs)	Woodstock, CT	02/19/91	02/05/91	25,418	Computers.
Ditto Apparel (Wkrs)	Weslaco, TX	02/19/91	02/01/91	25,417	Jeans.
Energetics Ltd (Wkrs)	Marion, MI	02/19/91	02/07/91	25,418	Oil & gas.
Energetics, Ltd (Wkrs)	Mason, MI	02/19/91	02/07/91	25,419	Oil
Estey Co. Div. of Tennaco (Wkrs)	Tinton Falls, NJ	02/19/91	02/07/91	25,420	Steel shelves.
Fisher Price Toys (Wkrs)	Brownsville, TX	02/19/91	02/04/91	25,421	Toys.
Fox Marketing (Wkrs)	Dayton, OH	02/19/91	02/05/91	25,422	Radar detectors.
Henschel Shoe Co., Div. of Athlone (Wkrs)	Littleton, NH	02/19/91	02/06/91	25,423	Shoes.
Hernance Machine Co. (IUE)	Williamsport, PA	02/19/91	02/10/91	25,424	Woodworking machines.
J-Wood Div. W.C.I.	Milroy, PA	02/19/91	02/07/91	25,425	Cabinets & Vanities
Magnesium Corp. of Amer. Rowley Pt. (Wkrs)	Salt Lake City	02/19/91	02/06/91	25,426	Magnesium ingots.
Mainline Fashion (ILGWU)	New York, NY	02/19/91	01/31/91	25,427	Coats & suits.
Max Kahn Curtin Corp. (ACTWU)	Evergreen, AL	02/19/91	01/31/91	25,428	Draperies, bedspreads & comforters.
Midwest Aluminum (Wkrs)	Kalamazoo, MI	02/19/91	02/05/91	25,429	Aluminum.
Milton Shoe Mfg. Co. (UFCW)	Milton, PA	02/19/91	02/04/91	25,430	Footwear.
Moench Tanning Co. (Wkrs)	Gowanda, NY	02/19/91	02/05/91	25,431	Leather.
Radel Leather Div of Seton Co. (UFCW)	Newark, NJ	02/19/91	02/05/91	25,432	Leather.
RPI Inc., Lewiston Div. (Wkrs)	Lewiston, MI	02/19/91	02/08/91	25,433	Stampings & assemblies
Rubber Worker's Club, Inc. (Wkrs)	Eau Claire, WI	02/19/91	02/01/91	25,434	Maintain hall & bar for Unroyal workers.
Rundel Products (Wkrs)	Olympia, WA	02/19/91	02/06/91	25,435	Softwear.
Sylvania Shoe Mfg. Corp. (Wkrs)	Mcsherrystown, PA	02/19/91	02/11/91	25,436	Shoes.
Sylvania Shoe Mfg.	Greencastle, PA	02/19/91	02/11/91	25,437	Shoes.
Tandy Magnetic Media (Wkrs)	Santa Clara, CA	02/19/91	02/07/91	25,438	Video tapes.
Taylor LBR & Treating (Wkrs)	Beaverton, OR	02/19/91	01/16/91	25,439	Timbers.
U.S. Shoe Corp.-Falmouth Pt. (Wkrs)	Falmouth, KY	02/19/91	01/29/91	25,440	Footwear.
U.S. Shoe Corp.-Greenfield Pt. (Wkrs)	Greenfield, OH	02/19/91	02/04/91	25,441	Footwear.
U.S. Shoe Corp.-Harrison Pt. (Wkrs)	Harrison, OH	02/19/91	02/04/91	25,442	Footwear.
United Rubber Corp. (URCLPWA) (URW)	Eau Claire, WI	02/19/91	02/01/91	25,443	URW union office.
Universal/Univis Inc. (Wkrs)	No. Attleboro, MA	02/19/91	02/07/91	25,444	Eye glass frames.
Vaagen Brothers Lumber Co. (Wkrs)	Ione, WA	02/19/91	02/05/91	25,445	Lumber.
Walker Manufacturing (UAW)	Heath, OH	02/19/91	02/01/91	25,446	Exhaust system.
Westpac Moulding of Texas (Wkrs)	Clifton, TX	02/19/91	02/01/91	25,447	Wood mouldings.

[TA-W-25,067]

**Brockway, Inc. Montgomery, AL; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Brockway, Incorporated, Montgomery, Alabama. The review indicated that the application contained no new substantial information which would bear importantly on the Department's

determination. Therefore, dismissal of the application was issued.

TA-W-25,067; Brockway, Incorporated, Montgomery, Alabama (February 20, 1990)

Signed at Washington, DC this 21st day of February, 1991.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 91-5056 Filed 3-4-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-24, 994]

**Bernat Yarn & Craft Corp. a/k/a Craftco, Inc., Uxbridge, MA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 22, 1991 applicable to all workers of Bernat Yarn & Craft Corporation, Uxbridge, Massachusetts. The Certification Notice was published

in the **Federal Register** on February 5, 1991 (56 FR 4648).

New information shows the company was purchased on April 12, 1990 by Craftco, Inc. The Uxbridge facility produced the same products and employed the same workforce while under both ownerships. The Uxbridge facility under Craftco meets all the requirements for a successor-in-interest firm.

Therefore, the certification is amended to properly reflect the correct worker group. The amended notice applicable to TA-W-24,994 is hereby issued as follows:

All workers of Bernat Yarn & Craft Corporation, also known as (a/k/a) Craftco, Inc., Uxbridge, Massachusetts who became totally or partially separated from employment on or after August 30, 1989 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 22nd day of February 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-5058 Filed 3-4-91; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-25, 222]

#### Lee-Vic; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 26, 1990 in response to a worker petition which was filed on November 22, 1990 on behalf of workers at Lee-Vic, Brooklyn, New York.

The subject firm has closed permanently and data are not available from any source. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 25th day of February 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-5057 Filed 3-4-91; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-24,702]

#### Tektronix, Inc.; Visual Systems Group Wilsonville, OR

In the matter of Tektronix Inc., Visual Systems Group, Wilsonville, OR and operating at various locations in the following states:

TA-W-24,702A Alabama  
TA-W-24,702B Alaska  
TA-W-24,702C Arizona

TA-W-24,702D California  
TA-W-24,702E Colorado  
TA-W-24,702F Connecticut  
TA-W-24,702G Florida  
TA-W-24,702H Georgia  
TA-W-24,702I Illinois  
TA-W-24,702J Indiana  
TA-W-24,702K Maryland  
TA-W-24,702L Massachusetts  
TA-W-24,702M Maine  
TA-W-24,702N Michigan  
TA-W-24,702O Minnesota  
TA-W-24,702P Missouri  
TA-W-24,702Q New Jersey  
TA-W-24,702R New Mexico  
TA-W-24,702S New York  
TA-W-24,702T North Carolina  
TA-W-24,702U Ohio  
TA-W-24,702V Oklahoma  
TA-W-24,702W Oregon (except Wilsonville)  
TA-W-24,702X Pennsylvania  
TA-W-24,702Y Tennessee  
TA-W-24,702Z Texas  
TA-W-24,702AA Utah  
TA-W-24,702AB Virginia  
TA-W-24,702AC Washington  
TA-W-24,702AD Washington, DC  
TA-W-24,702AE Wisconsin

#### Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 31, 1990 applicable to all workers of the Visual Systems Group of Tektronix, Inc., Wilsonville, Oregon. The Certification Notice was published in the **Federal Register** on November 14, 1990 (55 FR 47550).

At the request of the State Agency, the Department reviewed the subject certification. The company supplied new information indicating worker separations from the Visual Systems Group of Tektronix in the subject States. The notice, therefore, is amended to properly reflect the correct worker groups.

The amended notice applicable to TA-W-24,702 is hereby issued as follows:

All workers of Tektronix, Inc., Visual Systems Group Wilsonville, Oregon and in locations in the following States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon (except Wilsonville), Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, Washington, DC, and Wisconsin who became totally or partially separated from employment on or after July 21, 1989 are

eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 21st day of February 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-5054 Filed 3-4-91; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-24, 890]

#### W.R. Case and Sons Cutlery Co., Bradford, PA; Negative Determination Regarding Application for Reconsideration

By an application dated January 8, 1991, Local # 638 of the International Association of Machinists (IAM) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on December 14, 1990 and published in the **Federal Register** on January 8, 1991 (56 FR 710).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The workers at Bradford produced pocket knives. The union's request identified several patterns of knives as being imported from Japan.

The Department's denial was based on the fact that the increased import criterion was not met for 1989 and the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met for 1990. U.S. imports of knives and related cutlery decreased absolutely and relative to domestic shipments in 1989 compared to 1988.

The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department's survey showed that most of the respondents did not import knives. Those customers importing knives had decreased import purchases during the relevant periods.

Investigation findings show that the import purchases from Japan were blades (components) for the knives identified by the union. These imported knife components accounted for a negligible portion of the company's total

volume and declined during the period applicable to the petition.

The issue of components (knife blades) was addressed early in the administration of the worker adjustment assistance program. In *United Shoe Workers of America, AFL-CIO v. Bedell*, 506 F2d (DC Circ. 1974) the court held that imported finished women's shoes were not like or directly competitive with shoe components—shoe counters. Accordingly, increased imports of blades cannot be considered in determining import injury to workers producing knives. Therefore, in determining import injury to workers at Bradford, the Department must consider the finished article produced at Bradford—knives.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 20th day of February 1991.

**Robert O. Deslongchamps,**

*Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.*

[FR Doc. 91-5055 Filed 3-4-91; 8:45 am]

BILLING CODE 4510-30-M

#### Mine Safety and Health Administration

##### Petitions for Modification; Pioneer Coal Sales, Inc. et al.

The following parties have filed petitions to modify the application of mandatory safety standards under 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Pioneer Coal Sales, Inc., P.O. Box 3061, Princeton, New Jersey 08540 has filed a petition (M-91-15-C) to modify the application of 30 CFR 75.316 (ventilation system and methane and dust control plan) to its Borgman No. 10 Mine (I.D. No. 46-01484) located in Preston County, West Virginia. The petitioner proposes to establish check points and monitor regularly in lieu of ventilating or sealing abandoned areas of the mine.

2. Utah Fuel Company, P.O. Box 719, Helper, Utah 84526 has filed a petition (M-91-18-C) to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Skyline Mines (I.D. No. 42-01566 and 42-01435) located in Carbon and Emery Counties, Utah. The petitioner proposes to use

high-voltage cables in by the last open crosscut and within 150 feet of pillar workings.

#### Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1991. Copies of the petitions are available for inspection at that address.

Dated: February 20, 1991.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 91-5059 Filed 3-4-91; 8:45 am]

BILLING CODE 4510-43-M

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 91-22]

##### Intent to Grant Separate Partially Exclusive Patent Licenses

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of intent to grant separate licenses.

**SUMMARY:** NASA hereby gives notice of intent to grant Innovative Dynamics separate Partially Exclusive, royalty-bearing, revocable licenses to practice the inventions covered in U.S. Patent No. 4,766,369 entitled "Ice Detector" which issued to the United States of America, as represented by the Administrator of the National Aeronautics and Space Administration, on August 23, 1988, and in corresponding Canadian Patent Application Serial No. 567,827 for use on aircraft, commercial and private, fixed and rotary wing. The proposed licenses will be for the life of U.S. Patent No. 4,766,369, and the life of any Canadian patents issuing from said Canadian Patent Application respectively. Both licenses will contain appropriate terms, limitations and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.200 *et seq.* NASA will negotiate the final terms and conditions and grant the partially exclusive licenses, unless within 60 days of the Date of this Notice, the Director of Patent Licensing receives written objections to the grants, together with any supporting documentation. The Director of Patent Licensing will review all written objections to the grants and

then recommend to the Association General Counsel (Intellectual Property) whether to grant the respective licenses.

**DATES:** Comments to this notice must be received by May 6, 1991.

**ADDRESSES:** National Aeronautics and Space Administration, Code GP, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harry Lupuloff, (202) 453-2430.

Dated: February 26, 1991.

**Gary L. Tesch,**

*Deputy General Counsel.*

[FR Doc. 91-5142 Filed 3-4-91; 8:45 am]

BILLING CODE 7510-01-M

#### NATIONAL SCIENCE FOUNDATION

##### Alan T. Waterman Award; Notice of Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Science Foundation announces the following meeting:

**Name:** Alan T. Waterman Award Committee.

**Date:** Wednesday, March 20, 1991.

**Time:** 9 a.m. to 5 p.m.

**Place:** Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

**Type of Meeting:** Closed.

**Contact Person:** Mrs. Susan E. Fannoney, Executive Secretary, Alan T. Waterman Award Committee, National Science Foundation, Washington, DC 20550. Telephone: 202/357-7512.

**Purpose of Committee:** To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

**Reason for Closing:** The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are within exemption 6 of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to Close Meeting:** The determination made on February 22, 1991 by the Director of the National Science Foundation pursuant to the provisions of section 10(d) of Public Law 92-463.

Dated: February 27, 1991.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 91-5100 Filed 3-4-91; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-224]

### Environmental Assessment and Finding of No Significant Impact Regarding Termination of Facility License No. R-101; University of California Berkeley Research Reactor

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Order terminating Facility License No. R-101 for the University of California (the licensee) Berkeley Research Reactor located in Berkeley, California, in accordance with the application dated April 16, 1990, as supplemented on July 6, 1990.

#### Environmental Assessment

##### Identification of Proposed Action

By application dated January 8, 1988 as supplemented on January 31, 1989 and April 14, 1989, the licensee requested authorization to dismantle the Berkeley Research Reactor, and dispose of its component parts in accordance with the proposed decommissioning plan to terminate Facility License No. R-101. Following an "Order Authorizing Dismantling of Facility and Disposition of Component Parts," dated September 12, 1989 (54 FR 38579), the licensee completed the dismantlement and submitted a final survey report and request to terminate the license on April 16, 1990 as supplemented on July 6, 1990. Representatives of the Oak Ridge Associated Universities, (ORAU), under contract to NRC, conducted a survey of the facility on July 16-18, 1990. The survey is documented in a ORAU report "Confirmatory Radiological Survey of the Berkeley Research Reactor Facility University of California at Berkeley, Berkeley, California," dated November 1990. Region V, in a memorandum dated November 30, 1990, found that the ORAU report findings support the data developed in the licensee's final survey report.

##### Need for Proposed Action

In order to release the facility for unrestricted access and use, Facility License No. R-101 must be terminated.

##### Environmental Impact of License Termination

The licensee indicates that the residual contamination and dose exposures comply with the criteria of Regulatory Guide 1.86, Table 1, which establishes acceptable residual surface contamination levels, and the exposure limit, established by the NRC staff, of 5 micro R/hr above background at one

meter. These measurements have been verified by the NRC. The NRC finds that since these criteria have been met, there is no significant impact on the environment and the facility can be released for unrestricted use.

##### Alternatives to the Proposed Action

Since the reactor and component parts have been dismantled and disposed of in accordance with NRC regulations and guidelines, there is no alternative to termination of Facility License No. R-101.

##### Agencies and Persons Consulted

Personnel from the Oak Ridge Associated Universities (an NRC contractor) assisted Region V in the conduct of the Termination Survey for the Berkeley Research Reactor.

##### Finding of No Significant Impact

The NRC has determined not to prepare an Environmental Impact Statement for the proposed action. Based on the foregoing Environmental Assessment, the NRC has concluded that the issuance of the Order will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the application for termination of Facility License No. R-101, dated April 16, 1990, as supplemented July 6, 1990. These documents are available for public inspection at the Commission's Public Document Room 2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland this 26th day of February 1991.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 91-5131 Filed 3-4-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-268 and 50-301]

### Wisconsin Electric Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 55.45 (b)(2)(iii) to Wisconsin Electric Power Company (the licensee), for the Point Beach Nuclear Plant, Units 1 and 2, located in Manitowoc County, Wisconsin.

#### Environmental Assessment

##### Identification of Proposed Action

The proposed exemption would allow a 4-month delay in the submittal of the certification of the Point Beach Nuclear Plant control room simulator. Title 10 CFR 55.45(b)(2)(iii) requires that the certification be submitted by March 26, 1991. Because of delays caused by the simulator vendor, the licensee proposes to submit the required certification by July 24, 1991.

The initial operator examinations using the simulator are scheduled for September 1991. The licensee does not anticipate any delay in administration of the simulator portion of these operator examinations.

The proposed action is in accordance with 10 CFR 55.11, Specific Exemptions, and is based upon the information provided to the NRC in the licensee's request dated December 17, 1990.

##### The Need for the Proposed Action

The proposed exemption is needed to allow the licensee to complete the factory acceptance testing of their new plant-referenced simulator. This will permit their use of the factory acceptance testing as the testing portion of their certification process.

##### Environmental Impacts of the Proposed Action

The proposed action will have no incremental impact relative to current practice because the exemption will only affect the schedule for activities related to simulator certification and not otherwise alter the actions being taken to install a new plant-referenced simulator at the Point Beach Nuclear Plant.

##### Alternative to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts attributed to this facility but would impose on the Wisconsin Electric Power Company a less efficient and more costly certification process.

##### Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to operation of the Point Beach Nuclear Plant.

**Agencies and Persons Consulted**

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

**Finding of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated December 17, 1990, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Rockville, Maryland, this 26th day of February 1991.

For the Nuclear Regulatory Commission,  
John N. Hannon,  
Director, Project Directorate III-3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-5132 Filed 3-4-91; 8:45am]

BILLING CODE 7590-01-M

**Advisory Committee on Reactor Safeguards Subcommittee on Auxiliary and Secondary Systems; Meeting**

The Subcommittee on Auxiliary and Secondary Systems will hold a meeting on March 22, 1991, room P-422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, March 22, 1991—8:30 a.m. until the conclusion of business.

The Subcommittee will discuss with NRC Research the status of Generic Issue 57, "Effects of Fire Protection System Actuation on Safety-Related Equipment," and Draft NUREG/CR-1421, Regulatory Analysis for Generic Issue 130, "Essential Service Water Systems Failures at Multi-Unit Sites."

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.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, their consultants, and other interested persons regarding this review.

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 therefore can be obtained by a prepaid telephone call to the ACRS Staff Engineer, Mr. Thomas S. Rotella, P.E. (telephone 301/492-8972), between 7:30 a.m. and 4:15 p.m. 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., which may have occurred.

Dated: February 25, 1991.

Gary R. Quittschreiber,  
Chief, Nuclear Reactors Branch.  
[FR Doc. 91-5127 Filed 3-4-91; 8:45 am]  
BILLING CODE 7590-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Rel. No. IC-18018; 812-7617]

**Templeton American Growth Trust, Inc., et al.; Application**

February 26, 1991.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

**APPLICANTS:** Templeton American Growth Trust, Inc. (the "Fund") and Templeton Funds Distributor, Inc. (the "Distributor") on behalf of themselves and all subsequent registered investment companies for which the Distributor, or a corporate affiliate of the Distributor, serves as principal underwriter and/or investment adviser.

**RELEVANT 1940 ACT SECTIONS:** Order requested under section 6(c) of the 1940 Act granting exemptions from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and rule 22c-1 thereunder.

**SUMMARY OF APPLICATION:** Applicants seek an order to permit the imposition and waiver of a contingent deferred sales charge ("CDSC") on the terms described in the application and summarized below.

**FILING DATES:** The application was filed on November 1, 1990, and an amendment to the application was filed on January 11, 1991.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 25, 1991 and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 700 Central Avenue, St. Petersburg, Florida 33701.

**FOR FURTHER INFORMATION CONTACT:** H.R. Hallock, Jr., Special Counsel, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

**Applicant's Representations**

1. The Fund is an open-end diversified management investment company incorporated under the laws of the State of Maryland. The Fund's Investment Manager is Templeton, Galbraith & Hansberger (the "Investment Manager"), a corporation organized under the laws of the Cayman Islands. The Distributor, an indirect wholly-owned subsidiary of the Investment Manager and also the principal underwriter for the other Templeton Funds, will underwrite the shares of the Fund. Shares of the Fund will be offered to the public at net asset value with no sales charge.

2. The Distributor intends to pay dealers a sales commission of 4% of the sales price of the Fund's shares sold by such dealers. In addition to any sales commission paid to dealers, the Distributor also may pay a service fee to dealers who distribute shares of the

Fund. The Fund will finance its distribution expenses, in part, under a distribution plan adopted pursuant to rule 12b-1 under the 1940 Act (the "Plan"). Under the Plan, the Fund may compensate the Distributor monthly in an amount not to exceed 1.25% of the average daily net assets of the Fund.

3. The proposed CDSC is completely separate and independent from the Plan. If imposed, the CDSC will be deducted from the redemption proceeds otherwise payable to the shareholder. Amounts received by the Distributor under the Plan will not be reduced or offset by the CDSC retained by the Distributor. The purpose of the CDSC is to compensate the Distributor for the commissions advanced to dealers. The Fund's Board of Directors, in its periodic review of the Plan, will consider the effect of the CDSC. Applicants believe that the commission of the CDSC and the Plan will facilitate the Applicant's ability to sell shares of the Fund without a sales load being deducted at the time of purchase.

4. In no event will the aggregate amount of the CDSC exceed 5% of the aggregate purchase payments made by the investor. Where a CDSC is imposed, the amount of the charge will depend on the number of years since the investor made the purchase payment from which an amount is being redeemed, commencing at 5.0% during the year following the purchase payment. The CDSC will decline in increments of 1% per year until the fifth year following the purchase payment, when the contingent deferred charge will be 1%. No CDSC will be imposed for redemptions representing purchase payments made more than five years before the date of such redemptions.

5. The amount of the CDSC (if any) will be calculated by determining the date on which the purchase payment which is the source of the redemption was made, and applying the appropriate percentage to the lesser of (a) the purchase price of the shares, or (b) the net asset value of the shares at the time of redemption. No sales charge would be imposed on redemptions of amounts representing the following: (1) Increases in the value of the shareholder's account due to appreciation in net asset value per share, (2) Fund shares acquired with reinvested dividends or capital gains distributions, and (3) shares that were held longer than the period of the contingent deferred sales charge before they are redeemed. In determining the rate of any applicable CDSC, it will be assumed that a redemption is made of shares held by the investor for the

longest period of time within the applicable five-year period.

6. Applicants would be able to waive the imposition of the CDSC on redemptions in connection with: (1) Distributions from a Custodian Account under section 403(b) of the Internal Revenue Code (the "Code") or an IRA due to death, disability, or attainment of age 59½; (2) a tax-free return of the excess contribution to an IRA; (3) distributions by other employee benefit plans to pay benefits; (4) distributions from a retirement plan qualified under section 401(a) of the Code due to death; (5) distributions effected pursuant to the Fund's right to liquidate shareholder accounts having an aggregate net asset value of less than \$250 or such other amount as set forth in the then current prospectus for the Fund; and (6) distributions the proceeds of which are reinvested in the Fund within ninety (90) days of the redemption.

#### Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the 1940 Act exempting the Applicants from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and rule 22c-1 thereunder, to the extent necessary or appropriate to permit the imposition and waiver of a CDSC. As here relevant, section 6(c) of the 1940 Act authorizes the Commission to conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from any provision of the 1940 Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the 1940 Act.

2. Applicants submit that the proposal to impose a CDSC is fair and is in the public interest and the interest of the Fund's shareholders, and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. The proposed CDSC permits shareholders to have the advantage of greater investment dollars working for them from the time of a purchase of Fund shares. Further, the highest rate that can be charged a shareholder is less than the full front-end sales load charged by many other investment companies. The CDSC will not apply to redemptions of shares held for the entire CDSC period after the date of purchase or to increases in the investor's account through reinvestment of dividends or capital gains distributions or increases in net asset value per share.

3. Section 2(a)(32) of the 1940 Act defines a "redeemable security" as any

security, other than short-term paper, that entitles the holder to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Applicants contend that the proposed CDSC would in no way restrict a shareholder from receiving his proportionate share of the current net assets of the Fund, but would merely defer the deduction of a sales charge and make it contingent upon an event that may never occur. Section 5(a)(1) of the 1940 Act defines an "open-end company" as a management company issuing redeemable securities. While the Applicants believe, therefore, that the Fund would continue to qualify as an open-end investment company under section 5(a)(1) of the 1940 Act, they seek an exemption from section 2(a)(32) under the 1940 Act to avoid uncertainty in this regard.

4. Section 2(a)(35) of the 1940 Act, insofar as relevant, defines "sales load" as "the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer \* \* \*." The Applicants believe that the proposed contingent deferred sales charge qualifies as a "sales load" within the meaning of section 2(a)(35) because the proposed charge is consistent with the intent of the definition of "sales load" contained in the 1940 Act.

5. Section 22(c) of the 1940 Act empowers the Commission to "make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company \* \* \*." Rule 22c-1 under the 1940 Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from redeeming any such security except at a price based on the current net asset value of such security. Applicants submit that implementation of the proposed contingent deferred sales charge does not violate section 22(c) of the 1940 Act or rule 22c-1 thereunder because the price of the shares on redemption would be based on current net asset value. However, in order to avoid any possibility that questions might be raised as to the potential applicability of section 22(c) and rule 22c-1, Applicants request an exemption from section 22(c) and rule 22c-1 to permit them to implement the proposed CDSC.

6. Rule 22d-1, in substance, permits variation or elimination of sales loads to "particular classes of investors or transactions," provided that such variation or elimination is described in



the investment company's registration statement. Applicants believe that rule 22d-1 exempts the CDSC and waivers thereof from the prohibitions of section 22(d) of the 1940 Act. Nonetheless, to preclude any assertion that rule 22d-1 is unavailable, Applicants request an exemption from section 22(d) to the extent necessary to implement the CDSC and waivers thereof as described above. Applicants believe that such an order would be consistent with the policies embodied in rule 22d-1, since the Fund intends to disclose fully these charges and waivers in its prospectus.

7. Applicants submit that the proposal is consistent with every aspect of proposed rule 6c-10, which codifies the Commission's current position with respect to contingent deferred sales charges. Investment Company Act Release No. 16619 (Nov. 2, 1988).

#### Applicants' Condition

Applicants agree, as an express condition to the requested exemptive order, that they will comply with the provisions of proposed rule 6c-10 under the 1940 Act as currently stated and as it may be adopted and modified in the future.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 91-5146 Filed 3-4-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18019; 812-7410]

#### NIPSCO Capital Markets, Inc.; Application

February 26, 1991.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

**APPLICANT:** NIPSCO Capital Markets, Inc.

**RELEVANT 1940 ACT SECTIONS:** Order requested under Section 6(c) of the 1940 Act.

**SUMMARY OF APPLICATION:** Applicant seeks an order exempting it from all provisions of the 1940 Act in connection with the offer and sale of Applicant's securities to raise funds for the business operations of its parent and certain subsidiaries thereof.

**FILING DATE:** The application was filed on October 13, 1989, and amended on June 8, 1990, December 12, 1990, and February 19, 1991.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 26, 1991, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of the date of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, 5625 Hohman Avenue, Hammond, Indiana 46320.

**FOR FURTHER INFORMATION CONTACT:** Thomas G. Sheehan, Senior Staff Attorney, (202) 272-7324, or Stephanie M. Monaco, Branch Chief, (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

#### Applicant's Representations

1. NIPSCO Capital Markets, Inc. ("Applicant"), a wholly-owned subsidiary of NIPSCO Industries, Inc. ("NIPSCO"), was incorporated under Indiana law on March 10, 1989. NIPSCO is a public utility holding company incorporated under Indiana law on September 22, 1987. In addition to Applicant, NIPSCO's wholly-owned subsidiaries are Northern Indiana Public Service Company ("Northern Indiana"), NIPSCO Development Company, Inc. ("Development"), NIPSCO Fuel Company, Inc., NIPSCO Energy Services, Inc., NI-TEX, Inc. and NIPSCO Energy Trading Corp.

2. Northern Indiana is a natural gas and electric public utility operating company incorporated under Indiana law in 1912. Northern Indiana has two wholly-owned subsidiaries: Shore Line Shops Inc. ("Shore Line") and NIPSCO Exploration Company, Inc. ("Exploration").

3. Northern Indiana is subject to regulation by the Indiana Utility Regulatory Commission ("IURC") as to rates, charges, service, accounts, business management, issuance of securities and in other respects. Northern Indiana is also subject to

limited regulation by the Federal Energy Regulatory Commission ("FERC"). Neither NIPSCO nor any of its subsidiaries other than Northern Indiana is subject to regulation by IURC or FERC, except with respect to transactions and contracts they have with Northern Indiana.

4. Applicant was formed for the purpose of financing business operations of NIPSCO and NIPSCO's wholly-owned subsidiaries, other than Applicant, Northern Indiana (and its wholly-owned subsidiaries Shore Line and Exploration), and Development. NIPSCO's wholly-owned subsidiaries, excluding Applicant, Northern Indiana (including Shore Line and Exploration), and Development, are hereinafter referred to as the "Subsidiaries."

5. Applicant is issuing up to \$100 million of its medium-term notes to a number (substantially less than 100) of institutional investors in a private placement. Applicant also has a \$150 million revolving credit agreement with sixteen banks, and is currently arranging a program for the issuance from time to time of up to \$75 million in commercial paper in private placement transactions.

6. Applicant represents that because its securities (other than short-term paper, as that term is defined in section 2(a)(38) of the 1940 Act) are not beneficially owned by more than 100 persons, and will not be beneficially owned by more than 100 persons as a result of the transactions described in the preceding paragraph, and because it is not making and presently does not propose to make a public offering of its securities, Applicant is not an "investment company" by virtue of the exception to the definition of that term contained in section 3(c)(1) of the 1940 Act. Applicant is requesting an exemption under section 6(c) because it may engage in future private offerings which would result in its securities (other than short-term paper, as that term is defined in section 2(a)(38) of the 1940 Act) being beneficially held by more than 100 persons. Applicant also desires the flexibility to consider making future public offerings, although it does not presently propose to make any such offering.

7. Although Applicant does not presently propose to make a public offering of its securities, if any such offering is made it will not involve Applicant's voting securities. In the case of a public offering of any of its securities not exempt from the registration requirements of the Securities Act of 1933 (the "1933 Act"), Applicant will, prior to offering such

securities, file a registration statement under the 1933 Act with the SEC and not sell such securities until such registration is declared effective by the SEC. Applicant will comply with the prospectus delivery requirements of the 1933 Act in connection with the offering and sale of such securities.

8. Applicant represents that its financing activities have been structured to conform, and will continue to conform, with all of the requirements of rule 3a-5 under the 1940 Act, except that NIPSCO will not provide an unconditional guarantee of Applicant's securities. Applicant further represents that, in lieu of an unconditional guarantee, Applicant and NIPSCO have entered into, and will keep in force, a Support Agreement that is the functional equivalent of an unconditional guarantee. See Condition No. 1, *infra*. The Support Agreement provides that the holders of debt will have no resource against the stock or assets of Northern Indiana (which assets include the stock, and Northern Indiana's interests in the assets, of Shore Line and Exploration) or any interest of Applicant or NIPSCO therein. However, funds available to NIPSCO to satisfy any obligation under the Support Agreement will include dividends paid by Northern Indiana to NIPSCO. Although Applicant will not provide funds to Development, debtholders would have recourse under the Support Agreement against the stock of, and NIPSCO's interest (through its stock ownership) in the assets of, Development.

9. Applicant represents that NIPSCO has determined to enter into the Support Agreement in lieu of an unconditional guarantee because it wishes to separate entirely the financing of its unregulated activities from the IURC-regulated financing of Northern Indiana. Northern Indiana has assured the IURC that the ratepayers of its utility services will not subsidize or support the non-regulated business activities of NIPSCO and its subsidiaries. An unconditional guarantee could subject NIPSCO's stock in Northern Indiana, and under some circumstances, Northern Indiana's assets, to claims by Applicant's creditors. Applicant claims that the Support Agreement will provide Applicant's security holders with benefits substantially similar to those provided by the guarantee requirement of rule 3a-5, without subjecting NIPSCO's stock in Northern Indiana and Northern Indiana's assets to such claims.

#### Applicant's Legal Conclusions

1. Applicant was formed for the purpose of providing financing to

NIPSCO and the Subsidiaries, and will not engage in a general program of investment. The applicant will meet all of the requirements of rule 3a-5 except for the unconditional guarantee requirement. Applicant believes that NIPSCO's execution and delivery of the Support Agreement provides a functional equivalent to an unconditional guarantee of Applicant's securities since the Support Agreement enables purchasers of such securities to proceed directly against NIPSCO in the event Applicant fails to meet its obligations, limited only so as to exclude the stock and assets of Northern Indiana (and its subsidiaries, Shore Line and Exploration). Despite this limitation, funds available to NIPSCO to satisfy any obligation under the Support Agreement will include dividends paid by Northern Indiana, as well as revenues and assets of NIPSCO itself, including its interests in subsidiaries other than Northern Indiana and Northern Indiana's subsidiaries, Shore Line and Exploration. Therefore, the Support Agreement will enable purchasers of Applicant's securities to look ultimately to NIPSCO for payment.

2. Granting the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

#### Conditions to the Requested Relief

If the requested order is granted, Applicant expressly consents to the following conditions:

1. Applicant will meet all of the requirements of Rule 3a-5 except for the unconditional guarantee requirement. In lieu of an unconditional guarantee, Applicant has entered into, and will keep in force (except as contemplated below), the Support Agreement which is and shall continue to be the functional equivalent of an unconditional guarantee. The Support Agreement provides, and will continue to provide, as follows:

(a) NIPSCO owns and shall continue to own all of the outstanding voting stock of Applicant;

(b) NIPSCO will provide to Applicant funds (as capital, or if NIPSCO and Applicant agree, as a subordinated loan) as required if Applicant is unable to make timely payment of interest, principal or premium, if any, on any debt issued by Applicant;

(c) NIPSCO will cause Applicant to have at all times a positive net worth (net assets less intangible assets, if any) as determined in accordance with generally accepted accounting principles;

(d) If Applicant fails or refuses to take timely action to enforce its rights under the Support Agreement or if Applicant defaults in

the timely payment of interest, principal, or premium, any lender may proceed against NIPSCO to enforce Applicant's rights under the Support Agreement or to obtain payment of such defaulted interest, principal or payment.

2. The Support Agreement may be modified or amended in a manner that adversely affects the rights of creditors of Applicant only if such modification or amendment occurs after all debt securities theretofore issued by the Applicant are paid in full, unless all affected creditors consent in advance and in writing to such modification or amendment. No modification or amendment to the Support Agreement relating to the four provisions set forth in paragraph 1 immediately above shall be made unless (a) All creditors consent in advance and in writing to such amendment or modification, and (b) Applicant applies to the Commission for an amended order relating to such modification or amendment, and the Commission grants such amended order. The Support Agreement may be terminated only after (a) All debt securities issued by the Applicant are paid in full, and (b) Applicant applies to the Commission for an amended order relating to such termination, and the Commission grants such amended order.

3. Although Applicant does not presently intend to initiate a non-public offering of its securities which may result in its securities (other than short-term paper, as that term is defined in section 2(a) (38) of the 1940 Act) being beneficially held by more than 100 persons, or to make a public offering of its securities, if such offerings are made, they will consist of short-term, intermediate-term and long-term debt securities to be offered and sold either in transactions exempt from the registration requirements of the Securities Act of 1933 (the "1933 Act") or in public offerings of securities registered under the 1933 Act. No future public offering will involve voting securities of the Applicant.

4. If Applicant offers or sells securities not requiring registration under the 1933 Act, Applicant will provide each offerer with disclosure materials which will include a description of the business of NIPSCO and its subsidiaries and other data of the character customarily supplied in such offerings, or will otherwise comply with disclosure requirements of Regulation D under the 1933 Act. In the event of a subsequent offering, these materials will be appropriately updated at the time thereof (by supplementing the disclosure materials or by incorporating by reference filings under the Securities

Exchange Act of 1934) to reflect material changes in the financial condition of NIPSCO and its subsidiaries, taken as a whole.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 91-5147 Filed 3-4-91; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0545]

### InterEquity Capital Corp.; Issuance of Small Business Investment Company License

On September 20, 1990, a notice was published in the *Federal Register* (55 FR 38772) stating that an application has been filed by InterEquity Capital Corporation, 220 Fifth Avenue, New York, New York 10001, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1990)) for a license to operate as a small business investment company.

Interested parties were given until close of business October 21, 1990 to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0545 on December 17, 1990, to InterEquity Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 27, 1991.

**Bernard Kulik,**

*Associate Administrator for Investment.*

[FR Doc. 91-5093 Filed 3-4-91; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Aviation Proceedings; Agreements Filed During the Week Ended February 22, 1991

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

*Docket number:* 47424

*Date filed:* February 21, 1991

*Parties:* Members of the International Air Transport Association  
*Subject:* TC23/TC123 Europe to Korea Resolution 002c

*Proposed effective date:* Upon Governmental Approval

*Docket number:* 47428

*Date filed:* February 22, 1991

*Parties:* Members of the International Air Transport Association  
*Subject:* TC1 Reso/P 0344—Areawide

Resos R-1 to R-5

TC1 Reso/P 0344—Within South

America Resos R-6 To R-18

TC1 Reso/P 0345—Longhaul Resos R-19 To R-59

TC1 Reso/P 0346—Caribbean

Resolutions R-60 To R-70

*Proposed effective date:* April 1, 1991

*Docket number:* 47427

*Date filed:* February 22, 1991

*Parties:* Members of the International Air Transport Association  
*Subject:* SNATC Mail Vote 488

(Romania-to-U.S. fares)

*Proposed effective date:* April 1, 1991

*Docket number:* 47428

*Date filed:* February 22, 1991

*Parties:* Members of the International Air Transport Association  
*Subject:* Mail Vote 462 (Europe to

Middle East GM fares) R-1

Intended effective date: March 1, 1991

Mail Vote 463 (Fares From Romania,

except US-Europe) R-2

Intended effective date: April 1, 1991

Mail Vote 464 (Rates from Romania)

R-3

Intended effective date: April 1, 1991

Mail Vote 465 (Charge for PTA

Services) R-4

Intended effective date: April 1, 1991

*Docket number:* 47432

*Date filed:* February 22, 1991

*Parties:* Members of the International Air Transport Association  
*Subject:*

Comp Reso/C 0461 dated February 11,

1991

Resolution 033d R-1

Comp Reso/C 0462 dated February 11,

1991

Resolution 025b R-2

*Proposed effective date:* March 1/April

1, 1991

*Docket Number:* 47433

*Date filed:* February 22, 1991

*Parties:* Members of the International Air Transport Association  
*Subject:*

Comp Reso/P dated February 11, 1991

Resolution. 024d R-1

Proposed Effective Date: March 1, 1991

**Phyllis T. Kaylor,**

*Chief, Documentary Services Division.*

[FR Doc. 91-5113 Filed 3-4-91; 8:45 am]

BILLING CODE 4910-02-M

### Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 22, 1991

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* 47419

*Date filed:* February 20, 1991

*Due Date for Answers, Conforming*

*Applications, or Motion to Modify*

*Scope:* March 20, 1991

*Description:* Application of Trans European Airways France S.A., pursuant to section 402 of the Act and subpart Q of the Regulations requests a foreign air carrier permit seeking Third and Fourth Freedom authority to engage in charter foreign air transportation of persons, property and mail between any point or points in France, its territories and possessions, and any point or points in the United States, its territories and possessions.

*Docket Number:* 47422

*Date filed:* February 20, 1991

*Due Date for Answers, Conforming*

*Applications, or Motion to Modify*

*Scope:* March 20, 1991

*Description:* Application of America West Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing it to provide foreign air transportation between Honolulu, Hawaii and Fukuoka, Japan.

*Docket Number:* 47430

*Date filed:* February 22, 1991

*Due Date for answers, Conforming*

*Applications, or Motion to Modify*

*Scope:* March 22, 1991

*Description:* Application of Air Cargo Hawaii Limited Partnership d/b/a Hawaii Pacific Air, pursuant to section 401 of the Act, parts 211 and 204 of the Regulations and subpart Q of the Regulations, requests the issuance of a certificate of public convenience and necessity

authorizing scheduled air transportation of property and mail, primarily to serve the inter-island air cargo needs in the State of Hawaii. Initially, such service will link the cities of Hilo (Hawaii), Honolulu (Oahu) and Kahului (Maui), with the provision of six weekly frequencies between and among the points to be served.

*Docket Number:* 47132

*Date filed:* February 19, 1991

*Due Date for Answers, Conforming Applications, or Motions to Modify Scope:* March 19, 1991

*Description:* Amendment #1 to the Application of General Air Cargo, G.A.C., C.A., for a foreign air carrier permit to expand its application with respect to non-scheduled service so as to include the following routes:

1. From Venezuela (except Maracaibo) via the Netherlands West Indies and the Dominican Republic, to New York and beyond to Canada.
2. From Venezuela (except Maracaibo) to San Juan, Puerto Rico, and New York.
3. From Venezuela via the Netherlands West Indies, Jamaica, and Cuba to Miami and Houston.
4. From Venezuela (except Maracaibo) via the Netherlands West Indies and the Dominican Republic to Washington, DC, Baltimore, and New York.
5. From Venezuela to San Juan, Puerto Rico, and beyond to Spain, France, the Netherlands, and the Federal Republic of Germany and beyond to points outside Europe.

Phyllis T. Kaylor,

*Chief, Documentary Services Division.*

[FR Doc. 91-5114 Filed 3-4-91; 8:45 am]

BILLING CODE 4910-62-M

## Federal Railroad Administration

### Petition for Exemption or Waiver of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for exemptions from or waivers of compliance with a requirement of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a

hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number RSGM-90-16) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received before April 19, 1991 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) in room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

#### Atlantic and Western Railway Company (Waiver Petition Docket Number RSGM 90-16)

The Atlantic and Western Railway Company (ATW) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for two locomotives. The petitioner operates on approximately 3.38 miles of track in Sanford, North Carolina. The carrier reports there have been no accidents related to glazing nor any incidents of vandalism.

#### New York and Lake Erie Railroad (Waiver Petition Docket Number RSGM 91-1)

The New York and Lake Erie Railroad (NYLE) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for one locomotive. The railroad operates over approximately 44 miles of track between Salamanca to Dayton, New York and from WB Junction to Gowanda, New York. The areas consists of rural countryside and small communities. The carrier reports there have been no accidents involving to glazing nor any incidents of vandalism.

#### St. Lawrence and Raquette River Railroad (Waiver Petition Docket Number RSGMI 91-2)

The St. Lawrence and Raquette River Railroad (SLRR) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing

Standards (49 CFR part 223) for one locomotive. The SLRR extends from Ogdensburg to Norwood and Norfolk, New York, a distance of approximately 31.2 miles. The area is rural countryside with small communities. The carrier reports there have been no glazing related accidents nor incidents involving vandalism.

#### Oil Creek and Titusville Lines (Waiver Petition Docket Number RSGM 91-3)

The Oil Creek and Titusville Lines (OCTL) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for one locomotive. The OCTL operates on approximately 15.8 miles of track between Titusville and Rynd Farm, Pennsylvania. The carrier operates an average of two freight train round trips per week. During the summer an average of six passenger excursions per week are operated. There have been no reports of vandalism nor incidents concerning glazing according to the railroad

#### WCTU Railway Company (Waiver Petition Docket Number RSGM 91-4)

The WCTU Railway Company (WCTU) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for two locomotives. The WCTU operates approximately 14 miles of track at White City, Oregon. They provide switching service for local industry.

#### Crystal City Railroad, Inc. (Waiver Petition Docket Number RSGM 91-5)

The Crystal City Railroad, Inc. (CYCY) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for two locomotives. Total trackage of the CYCY is approximately 55 miles, however only 42 miles are presently operated. The railroad is located in a remote area of southern Texas with Crystal City being the only town. The carrier states there have been no incidents of vandalism.

#### Manufacturers' Junction Railway Company (Waiver Petition Docket Number RSGM 91-6)

The Manufacturers' Junction Railway Company (MJ) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for two locomotives. The MJ provides a switching service for three industries in a two mile area in Chicago, Illinois. The railroad reports there have been no

incidents of vandalism with the locomotives.

Issued in Washington, DC on February 27, 1991.

Phil Olekszyk,

*Acting Associate Administrator for Safety.*

[FR Doc. 91-5141 Filed 3-4-91; 8:45 am]

BILLING CODE 4910-06-M

### Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

Mr. W.A. Barr submitted a petition dated December 15, 1990, to NHTSA alleging that fifth wheels designed and manufactured by Holland Hitch Company of Holland Michigan are defective in that they are the only design of five major fifth wheel manufacturers which can result in a "high hitch." Fifth wheels are the devices which connect heavy truck tractors and semi-trailers. On February 4, 1987, Mr. Barr submitted a similar petition to the agency's Rulemaking Office stating "the SAE Standard for the fifth wheel kingpins covering commercial trailers and semi-trailers (SAE J700b) allows false latching lockout, or 'high hitching' because the pin diameter at the bottom of the kingpin is smaller than the top." Mr. Barr stated that if a high hitch occurred, the trailer would possibly separate from the tractor during highway driving. After evaluating the petition, NHTSA concluded there was a reasonable possibility that the order requested in the petition would be issued at the conclusion of a rulemaking proceeding, and working jointly with the Federal Highway Administration published a notice in the *Federal Register* on August 18, 1988, of its decision to grant the petition. The agency requested comments on several issues concerning high hitches and contacted several fifth wheel hitch manufacturers (including Holland) about the problem.

The agency received 11 responses, including comments from all 4 major fifth wheel manufacturers and 7 large users of fifth wheels. None of the commenters supported the creation of a new Federal Motor Vehicle Safety Standard to address false latching. The agency was advised by some manufacturer representatives that it is possible to false latch most of the designs on the market. The

manufacturers contended, however, that it is the responsibility of the truck driver to conduct an inspection to ensure a proper connection. Federal Motor Carrier Safety Regulation 49 CFR 392.7 requires a driver to confirm the coupling device is functioning in good order. On December 4, 1989, the agency concluded that the safety benefits of a standard for kingpin performance to eliminate high hitches was insufficient to justify promulgating such a requirement and the rulemaking was terminated.

Statistical data indicates that tractor semi-trailer separation is a very rare event. Data gathered during the Rulemaking petition showed 188,836 truck accidents, 353 of which involved coupling defects. Within the 353 coupling related mishaps, 43 involved separations which were preceded or may have been preceded by trailer separation. The data indicated that coupler separation may have been a factor in .023 percent of the truck accidents.

NHTSA contacted Holland and was informed that since 1982, it is aware of seven incidents of alleged high hitch resulting in a trailer separation accident. Of those seven incidents, three resulted in property damage only, three resulted in single deaths, and one resulted in multiple (five) deaths.

The seven incidents represent an extremely small percentage of the equipment population. Holland reported no major design changes have been incorporated in their fifth wheels, and the locking mechanism has been basically the same since 1960. The accident data furnished by Holland compared favorably with industry statistical data presented during the Rulemaking Petition.

In consideration of the available information, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect in relation to the petitioner's allegations would be issued at the conclusion of an investigation. Since no evidence of a safety-related defect trend was discovered, further commitment of resources to determine whether such a trend may exist does not appear to be warranted. Therefore, the petition is denied.

This notice sets forth the reason for the denial of a petition submitted to NHTSA under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

Authority: Sec. 124, Pub. L. 93-492; 88 Stat. 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on February 25, 1991.

Michael B. Brownlee,

*Acting Associate Administrator for Enforcement.*

[FR Doc. 91-5070 Filed 3-4-91; 8:45 am]

BILLING CODE 4910-69-M

### Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*)

In November 1990, Ms. Phyllis North petitioned the NHTSA for a recall of the 1984 LeBaron Town and Country station wagon. Ms. North experienced a front crossmember failure in her vehicle. She stated that the front crossmember broke away from the body of her vehicle while driving resulting in a loss of control accident. She further stated that her car " \* \* \* had no physical damage previously."

Although the petition is vague, NHTSA has addressed two questions in answering it. The first is whether her vehicle should have been included in an earlier recall by Chrysler of 1981 through 1983 vehicles to replace the crossmember of concern. The second question is whether a defect investigation should be initiated even if the 1984 LeBaron Town and Country station wagon should not have been included in the earlier Chrysler recall.

The Chrysler K-platform vehicle has a unitized body to which is attached a front suspension crossmember. This crossmember supports the engine and transaxle and has attached to it the suspension and front end steering components.

The Chrysler recall of 1981 through 1983 vehicles (Recall No. 89V052) was issued to correct a corrosion potential for the lower control arm inner support area. Many consumers located in the Northeastern United States had experienced separation of the forward pivot of the lower control arm from the effects of salt-induced corrosion. Chrysler initiated a recall of 1981 through 1983 model year vehicles to provide adequate drainage of salt-laden slush and water. Chrysler also introduced production changes for the 1984 model year to protect the metal from corrosion.

Analysis of information supplied by the petitioner, by a Chrysler dealership mechanic, and by Chrysler disclosed that the failure location on the North vehicle is different than the area covered by the recall.

The mechanic's inspection of the petitioner's vehicle disclosed that the sheet metal on the right side K-frame pedestal had been torn apart as if by one or more heavy blows to the right suspension. These blows are consistent with those from striking potholes or curbs. The pedestal on the North vehicle is located to the rear and above the area of concern in the Chrysler corrosion recall. Buffeting marks on the torn edges suggested that the vehicle had been driven for some period of time in this condition. Absence of the rigidity supplied by the pedestal caused added stress to be placed on the right rear K-frame mount. This eventually resulted in failure of the sheet metal stub frame extending from the body frame rail. The vehicle was no longer driveable when this occurred. It appears that the failure of the North vehicle was in a different location from that covered by the Chrysler recall and probably was not corrosion related.

Chrysler also stated that it has received no reports concerning corrosion of the crossmember in post-1983 model year vehicles, nor did it report failures of the type reported by Ms. North. NHTSA computer records for the 1984 model year LeBaron vehicles disclosed no similar reports.

Based on the available information, there was no reasonable possibility that an order concerning the notification and remedy of a safety-related defect in relation to the petitioner's allegations would be issued at the conclusion of an investigation. Since no evidence of a safety-related defect trend was discovered, further commitment of resources to determine whether such a trend may exist does not appear to be warranted. Therefore, the petition was denied.

**Authority:** Sec. 124, Pub. L. 93-492; 88 Stat. 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on February 25, 1991.

**Michael B. Brownlee,**  
Acting Associate Administrator for  
Enforcement.

[FR Doc. 91-5071 Filed 3-4-91; 8:45 am]

BILLING CODE 4810-60-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Dated: February 26, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under

the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

**OMB Number:** 1545-0499.

**Form Number:** 5305-SEP.

**Type of Review:** Extension.

**Title:** Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

**Description:** This form is used by an employer to make an agreement to provide benefits to all employees under a Simplified Employee Pension (SEP) described in section 408(k). This form is not to be filed with IRS but to be retained in the employer's records as proof of establishing a SEP and justifying a deduction for contributions in the SEP. The data is used to verify the deduction.

**Respondents:** Businesses or other for-profit.

**Estimated Number of Respondents:** 100,000.

**Estimated Burden Hours Per Response/Recordkeeping:**

Recordkeeping—7 minutes.

Learning about the law or the form—24 minutes.

Preparing the form—18 minutes.

**Frequency of Response:** On occasion.

**Estimated Total Recordkeeping/**

**Reporting Burden:** 82,000 hours.

**Clearance Officer:** Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

**OMB Reviewer:** Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

Departmental Reports Management Officer.

[FR Doc. 91-5072 Filed 3-4-91; 8:45 am]

BILLING CODE 4830-01-M

### Public Information Collection Requirements Submitted to OMB for Review

Dated: February 27, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under

the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### INTERNAL REVENUE SERVICE

**OMB Number:** 1545-0132.

**Form Number:** 1120X.

**Type of Review:** Extension.

**Title:** Amended U.S. Corporation Income Tax Return.

**Description:** Domestic corporations use Form 1120X to correct a previously filed Form 1120 or Form 1120-A. The data is used to determine if the correct tax liability has been reported.

**Respondents:** Farms, Businesses or other for-profit, Small businesses or organizations.

**Estimated Number of Respondents:** 67,302.

**Estimated Burden Hours Per Response/Recordkeeping:**

Recordkeeping—11 hours, 14 minutes.

Learning about the law or the form—40 minutes.

Preparing the form—1 hour, 49 minutes.

Copying, assembling, and sending the form to IRS—16 minutes.

**Frequency of Response:** On occasion.

**Estimated Total Recordkeeping/**

**Reporting Burden:** 940,882 hours.

**OMB Number:** 1545-0986.

**Form Number:** 1120-DF.

**Type of Review:** Extension.

**Title:** U.S. Income Tax Return for Designated Settlement Funds (Under section 468B).

**Description:** Form 1120-DF is used by settlement funds to report income and taxes on the earnings of the fund. The fund is established by court order and is used to pay claims by employees or former employees for death or injuries caused by on the job conditions. IRS uses Form 1120-DF to determine if income and taxes are correctly computed.

**Respondents:** Businesses or other for-profit.

**Estimated Number of Respondents:** 100.

**Estimated Burden Hours Per Response/Recordkeeping:**

Recordkeeping—16 hours, 16 minutes.

Learning about the law or the form 1 hour, 54 minutes.

Preparing the form—5 hours, 2 minutes.

Copying, assembling, and sending the

form to IRS 48 minutes.

*Frequency of Response: Annually  
Estimated Total Recordkeeping/  
Reporting Burden: 2,401 hours.*

Clearance Officer: Garrick Shear (202)  
535-4297, Internal Revenue Service,  
room 5571, 1111 Constitution Avenue,  
N.W., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202)  
395-8880, Office of Management and  
Budget, room 3001, New Executive  
Office Building, Washington, DC  
20503.

Lois K. Holland

*Departmental Reports Management Officer.*

[FR Doc. 91-5073 Filed 3-4-91; 8:45 am]

BILLING CODE 4830-01-M

## Customs Service

(T.D. 91-18)

**Revocation of Individual Broker  
License No. 4549, Allen J. Robbins;  
and Corporate Broker License No.  
5390, Robbins, Inc.**

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

**ACTION:** General notice.

**SUMMARY:** Notice is hereby given that the Secretary of the Treasury, pursuant to Section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and 111.74 of the Customs Regulations, as amended (19 CFR 111.74), revoked the individual broker license no. 4549 issued to Allen J. Robbins, and the corporate broker license no. 5390 issued to Robbins, Inc. This action having been upheld by the United States Court of International Trade (Court No. 85-10-01442) is effective as of April 27, 1990.

Dated: February 26, 1991.

William J. Luebker,

*Deputy Director, Office of Trade Operations.*

[FR Doc. 91-5075 Filed 3-4-91; 8:45 am]

BILLING CODE 4820-02-M

(T.D. 91-19)

**Revocation of Individual Broker  
License No. 5522; Stuart Robbins**

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

**ACTION:** General Notice.

**SUMMARY:** Notice is hereby given that the Secretary of the Treasury, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and 111.74 of the Customs Regulations, as amended (19 CFR 111.74), revoked the individual broker license no. 5522 issued to Stuart Robbins. This action having been upheld by the United States Court of

International Trade (Court No. 85-9-01319); and, under appeal, by the Court of Appeals for the Federal Circuit (Appeal No. 90-1403) is effective as of January 9, 1991.

Dated: February 26, 1991.

William J. Luebker,

*Deputy Director, Office of Trade Operations.*

[FR Doc. 91-5076 Filed 3-4-91; 8:45 am]

BILLING CODE 4820-02-M

## Office of Thrift Supervision

**First Federal Savings, F.S.B., Dallas,  
GA; Appointment of Conservator**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Federal Savings, F.S.B., Dallas, Georgia on February 22, 1991.

Dated: February 27, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 91-5109 Filed 3-4-91; 8:45 am]

BILLING CODE 6720-01-M

**First Northern Co-Operative Bank, a  
Federal Savings Bank, Keene, NH;  
Appointment of Conservator**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Northern Co-operative Bank, A Federal Savings Bank, Keene, New Hampshire, on February 20, 1991.

Dated: February 27, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 91-5110 Filed 3-4-91; 8:45 am]

BILLING CODE 6720-01-M

**Hollywood Federal Savings Bank,  
Hollywood, FL; Notice of Appointment  
of Conservator**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Hollywood Federal Savings Bank, Hollywood, Florida, on February 22, 1991.

Dated: February 27, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 91-5111 Filed 3-4-91; 8:45 am]

BILLING CODE 6720-01-M

**First Federal Savings and Loan  
Association, Dallas, Georgia; Notice of  
Appointment of Receiver**

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association, Dallas, Georgia, Docket Number 6529, on February 22, 1991.

Dated: February 27, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 91-5107 Filed 3-4-91; 8:45 am]

BILLING CODE 6120-01-M

**Hollywood Federal Bank, a Federal  
Savings Bank; Notice of Appointment  
of Receiver**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Hollywood Federal Bank, a Federal Savings Bank, Hollywood, Florida, OTS No. 2767, on February 22, 1991.

Dated: February 27, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 91-5108 Filed 3-4-91; 8:45 am]

BILLING CODE 6720-01-M

**First Northern Co-operative Bank  
Keene, NH, Appointment of Receiver**

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(C) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Northern Co-operative Bank, Keene, New Hampshire, on February 20, 1991.

Dated: February 27, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

*Corporate Secretary.*

[FR Doc. 91-5112 Filed 3-4-91; 8:45 am]

BILLING CODE 6720-01-M

## DEPARTMENT OF VETERANS AFFAIRS

### Information Collection Under OMB Review

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

**ADDRESSES:** Copies of the proposed information collection and supporting documents may be obtained from Ann Bickoff, Veterans Health Services and Research Administration (161B3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 535-7407.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer on or before April 4, 1991.

Dated: February 26, 1991.

By direction of the Secretary.

Frank E. Lalley,

*Associate Deputy Assistant Secretary for Information Resources, Policies and Oversight.*

### Existing Collection

1. Office of Security and Law Enforcement
2. VA Police Officer Pre-Employment Screening Checklist
3. VA Form 10-0120
4. The form is used to document the pre-employment screening process and special background checks for applicants seeking employment as VA police officers.
5. One time
6. State and local governments, Business or other for-profit; Federal agencies or employees
7. 1,500 responses
8. 10 minutes
9. Not applicable

[FR Doc. 91-5043 Filed 3-4-91; 8:45 am]

BILLING CODE 8320-01-M

### Information Collection Under OMB Review

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number

of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

**ADDRESSES:** Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A0, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316. Please do not send requests for benefits to the above addresses.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer on or before April 4, 1991.

Dated: February 26, 1991.

By direction of the Secretary.

Frank E. Lalley,

*Associate Deputy Assistant Secretary for Information Resources, Policies and Oversight.*

### New Collection

1. Veterans Benefits Administration
2. Loan Analysis
3. VA Form 26-6393
4. The form is completed representatives of the lending institution to determine the veteran-borrower's ability to qualify for a VA guaranteed loan. The information is used by VA as evidence of the lender's adherence to VA credit standards.
5. On occasion
6. Businesses or other for-profit
7. 206,000 responses
8. ½ hour
9. Not applicable

[FR Doc. 91-5044 Filed 3-4-91; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 56, No. 43

Tuesday, March 5, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 3:07 p.m. on Thursday, February 28, 1991, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), Vice Chairman Andrew C. Hove, Jr., and Chairman L. William Seidman, that Corporation business required the withdrawal from the agenda for consideration at the meeting on less than seven days' notice to the public, of a memorandum regarding the Legal Division's management information system proposal.

By the same majority vote, the Board further determined that no notice earlier than February 27, 1991, of this change in the subject matter of the meeting was practicable.

The Board further determined, by the same majority vote, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum regarding excess and supplemental 1991-92 funding.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter was practicable.

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street NW., Washington, DC.

Dated: March 1, 1991.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91-5277 Filed 3-1-91; 1:36 pm]

BILLING CODE 6714-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:27 p.m. on Thursday, February 28, 1991, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Request for hearing on the Corporation's previous denial of an application pursuant to Section 19 of the Federal Deposit Insurance Act (name of individual and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), and (c)(9)(A)(ii)) to serve as a Director of a financial institution.

Recommendations concerning administrative enforcement proceedings.

Matters relating to the probable failure of certain insured banks.

Recommendations regarding the liquidation of depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets;

#### Case No. 47,666

Auction of Owned Real Estate—Various Banks and Savings and Loans

#### Case No. 47,671

Freedom National Bank of New York, New York, New York

Reports of the Office of Inspector General: Audit Report re:

The First National Bank and Trust Company of Oklahoma City Oklahoma City, Oklahoma (Memo dated February 8, 1991)

#### Audit Report re:

Western Federal Savings and Loan Association Marina Del Rey, California Assistance Agreement Case Number C-352c (Memo dated January 3, 1991)

#### Audit Report re:

Audit of Procurement and Management of Appraisals—Addison Consolidated Office (Memo dated January 25, 1991)

#### Audit Report re:

Audit of Virginia Square Owned Equipment Rental Charges (Memo dated January 31, 1991) Matters relating to the Corporation's assistance agreements with insured banks.

In call the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), Vice Chairman Andrew C. Hove, Jr., and Chairman L.

William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 500-17th Street, N.W., Washington, D.C.

Dated: March 1, 1991.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91-5278 Filed 3-1-91; 1:36 pm]

BILLING CODE 6714-01-M

## FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, March 11, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., 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 item 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 1, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-5323 Filed 3-1-91; 8:45am]

BILLING CODE 6210-01-M

## INTERSTATE COMMERCE COMMISSION.

Commission Conference

**TIME AND DATE:** 10:00 a.m., Tuesday, March 12, 1991.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

**STATUS:** The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

**MATTER TO BE DISCUSSED:**

Finance Docket No. 28799 (Sub-No. 1), *St. Louis Southwestern Railway Company—Purchase (Portion)—William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company, Debtor.*

Docket No. AB-102 (Sub-No. 16), *Missouri-Kansas-Texas Railroad Company—Abandonment—In Pettis and Henry Counties, Missouri.*

Ex Parte No. 346 (Sub-No. 25), *Rail General Exemption Authority—Lumber or Wood Products.*

**CONTACT PERSON FOR MORE INFORMATION:**

A. Dennis Watson, Office of External Affairs, Telephone: (202) 275-7252, TDD: (202) 275-1721

Sidney L. Strickland, Jr.,  
*Secretary.*

[FR Doc. 91-5150 Filed 2-28-91; 12:25 pm]

BILLING CODE 7035-01-M

**NUCLEAR REGULATORY COMMISSION**

**DATE:** Weeks of March 4, 11, 18, and 25, 1991.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Open and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of March 4**

*Thursday, March 7*

10:00 a.m.

Briefing on Status of Fitness for Duty Programs (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Access Authorization Program for Nuclear Power Plants (Tentative)

**Week of March 11—Tentative**

*Thursday, March 14*

9:30 a.m.

Briefing on Activities of the Center for Nuclear Waste Regulatory Analysis (CNWRA) and Activities of the NRC in the HLW Program (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

*Friday, March 15*

10:00 a.m.

Briefing on Agreement State Compatibility Issues (Public Meeting)

**Week of March 18—Tentative**

*Friday, March 22*

2:00 p.m.

Periodic Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Week of March 25—Tentative**

*Thursday, March 28*

10:00 a.m.

Periodic Briefing on Definitions of Releases Into Containment and Policy on the Use of the Updated TID-14844 by Existing Plants (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**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 Meetings Call (Recording)—(301) 492-0292.

**CONTACT PERSON FOR MORE INFORMATION:** William Hill (301) 492-1661.

Dated: February 28, 1991.

William M. Hill, Jr.,

*Office of the Secretary.*

[FR Doc. 91-5304 Filed 3-1-91; 8:45 am]

BILLING CODE 7590-01-M

**RESOLUTION TRUST CORPORATION**

**Notice of Agency Meeting**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:32 p.m. on Thursday, February 28, 1991, the Board of Directors of the Resolution Trust Corporation met in closed session to consider matters relating to the resolution of a failed thrift institution.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, Vice Chairman Andrew C. Hove, Jr. and Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b).

The meeting was held in the Board Room of the Federal Deposit Insurance Corporation Building located at 550-17th Street, NW., Washington, DC.

Dated: March 1, 1991.

Resolution Trust Corporation.

John M. Buckley, Jr.,

*Executive Secretary.*

[FR Doc. 91-5329 Filed 3-1-91; 3:52 pm]

BILLING CODE 6714-01-M

# Corrections

Federal Register

Vol. 56, No. 43

Tuesday, March 5, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1413

#### Feed Grain, Rice, Upland and Extra Long Staple Cotton, Wheat and Related Programs

##### Correction

In proposed rule document 91-4881, beginning on page 8285, in the issue of February 28, 1991, make the following correction:

On page 8287, in the first column, in the first complete paragraph, in the third line, "to" should read "not".

BILLING CODE 1505-01-D

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 91-013]

#### Public Meeting; Veterinary Biologics

##### Correction

In notice document 91-3959 appearing on page 6832 in the issue of Wednesday, February 20, 1991, make the following correction:

In the first column, in the heading, the docket number should read as set forth above.

BILLING CODE 1505-01-D

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 646

[Docket No. 900798-0303]

RIN 0648-AD59

#### Snapper-Grouper Fishery of the South Atlantic

##### Correction

In rule document 91-1380 beginning on page 2443 in the issue of Wednesday, January 23, 1991, make the following correction:

##### § 646.6 [Corrected]

On page 2449, in the first column, in § 646.6, in the heading, add "gear" after "and".

BILLING CODE 1505-01-D

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 672 and 675

[Docket No. 901108-0308]

RIN 0648-AD44

#### Foreign Fishing; Groundfish of the Gulf of Alaska and Groundfish Fishery of the Bering Sea and Aleutian Islands Area

##### Correction

In proposed rule document 91-2300 beginning on page 4029 in the issue of February 1, 1991, make the following corrections:

##### § 672.20 [Corrected]

1. On page 4033, in Table 2 of § 675.20, in the 14th column, in the 6th entry, delete ".14" and in the 7th entry, add ".14".

##### § 675.20 [Corrected]

2. On page 4034, in Table 3 of § 675.20, in the entry reading "Pollack", make the following changes:

- a. Delete ".50" from the 11th column;
- b. Add ".14" in the 14th column; and
- c. Delete ".14" in the 15th column.

3. On the same page, in the same table, in the entry reading "octopus" in the 36th column, add ".85".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[OIS-011-N]

#### Medicare Program; Quarterly Listing of Program Issuances and Coverage Decisions

##### Correction

In notice document 91-2730 beginning on page 4830 in the issue of Wednesday, February 6, 1991, make the following corrections:

1. On page 4831, in the first column, in the first paragraph under Program Issuances, in the eighth line "of" should read "to".

2. On page 4837, in the first column, in the second paragraph, in the first line "88151" should read "88150".

3. In the same column, in the third paragraph, in the first line, "88150" should read "88151".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 243

RIN 1010-AB37

#### Serving of Official Correspondence Issued By the Royalty Management Program

##### Correction

In rule document 91-3586 beginning on page 5946 in the issue of Thursday, February 14, 1991, make the following corrections:

##### § 243.4 [Corrected]

1. On page 5950, in the first column, in § 243.4(b)(1), in the first line "Addressee" was misspelled; and in the eighth line, "executive" should read "executed".

2. On the same page, in the second column, in § 243.4(b)(8), in the sixth line from the bottom of the paragraph, "29OR" should read "29OR".

BILLING CODE 1505-01-D

**DEPARTMENT OF LABOR****Employment Standards  
Administration, Wage and Hour  
Division****29 CFR Part 541****Computer-Related Occupations;  
Exemptions From Minimum Wage and  
Overtime Compensation Requirements  
of the Fair Labor Standards Act***Correction*

In rule document 91-4704 beginning on page 5250 in the issue of Wednesday, February 27, 1991, make the following corrections:

1. On page 5250, in the second column, in the final paragraph, in the fifth line "has" should read "was".

2. On page 5251, in the second column, in the first line insert "April 29, 1991" after "by".

BILLING CODE 1505-01-D

**DEPARTMENT OF LABOR****Employment Standards  
Administration, Wage and Hour  
Division****29 CFR Parts 579 and 580****Child Labor: Civil Money Penalties for  
Child Labor Violations***Correction*

In rule document 91-4895 beginning on page 8678 in the issue of Thursday, February 28, 1991, the subject matter should have appeared as set forth above.

BILLING CODE 1505-01-D

# Federal Register

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Tuesday  
March 5, 1991

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Part II

## Department of Education

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**Upward Bound Program: Notice Inviting  
Applications for the Math and Science  
Initiative**

**Special Programs for Students from  
Disadvantaged Backgrounds: Upward  
Bound, Talent Search and Student  
Support Services**

## DEPARTMENT OF EDUCATION

[CFDA NO: 84.047]

**Upward Bound Program; Notice Inviting Applications for the Math and Science Initiative Under the Upward Bound Program for Fiscal Year 1991**

*Purpose of Program:* This program provides financial assistance to fund proposals from applicants to establish regional centers. Each regional center would offer an intensified math and science curriculum along with other curricula for a six-week period during the summer of 1992 to students who are currently participating in an Upward Bound project and to other students who meet the criteria for participation in Upward Bound, without regard to 34 CFR 645.10(b). These students must have completed the 9th grade.

*Deadline for Transmittal of Applications:* May 1, 1991.

*Applications Available:* March 6, 1991.

*Deadline for Intergovernmental Review:* June 30, 1991.

*Available Funds:* \$12,500,000.

*Estimated Number of Awards:* Up to 75.

*Estimated Range of Awards:* \$145,000-\$188,300.

*Estimated Average Size of Awards:* \$166,666.

*Project Period:* 12 months.

**Note:** The Department is not bound by any estimates in this notice, except as otherwise provided by statute.

*Application Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, and 85, and (b) the regulations governing Upward Bound in 34 CFR part 645.

Although the math and science regional centers will include some of the characteristics of a comprehensive center such as those projects funded by the National Science Foundation, they do not have the same scope nor do they serve the number of students. The Department in collaboration with the National Science Foundation will disseminate resource materials.

*For Applications or Information Contact:* Goldia D. Hodgdon, Chief, Education Outreach Branch, Division of Student Services, U.S. Department of Education (Room 3060, ROB-3), 400 Maryland Avenue SW., Washington, DC 20202-5249. Telephone number: (202) 708-4804.

**Program Authority:** 20 U.S.C. 1070d, 1070d-1a.

Dated: February 21, 1991.

(Catalog of Federal Domestic Assistance Number: 84.047 Upward Bound Program)

Leonard L. Haynes, III,  
Assistant Secretary for Postsecondary Education.

[FR Doc. 91-5135 Filed 3-4-91; 8:45 am]

BILLING CODE 4000-01-M

**Special Programs for Students from Disadvantaged Backgrounds; Upward Bound, Talent Search and Student Support Services**

**ACTION:** Combined notice of final funding priorities for fiscal year 1991.

**SUMMARY:** The Secretary of Education announces final funding priorities for the Upward Bound, Talent Search and Student Support Services Programs for Fiscal Year 1991.

**EFFECTIVE DATES:** These priorities take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these final priorities, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** The contact person listed under each of the programs.

**SUPPLEMENTARY INFORMATION:** On September 21, 1990, the Secretary published in the Federal Register at 55 FR 38926 a combined notice of proposed priorities for the Upward Bound, Talent Search and Student Support Services Programs. The public was given an opportunity to comment on the proposed priorities. An analysis of the comments can be found under each of the programs included below.

*Upward Bound*

The Secretary has carefully reviewed the public comments and has not made any changes to the proposed priority based on those comments. Therefore, the following final absolute priority has been established for the fiscal year 1991 grant competition under the Upward Bound program.

Under the priority, funds will be used to establish regional centers, each of which will offer an intensified math and science curriculum along with other curricula for a six-week period during the summer to students currently participating in an Upward Bound project and to other students who meet the criteria for participation in Upward Bound, without regard to 34 CFR 645.10(b). Projects must establish a cooperative relationship with other Federal and non-Federal science and

mathematics teaching and learning activities, if any, in their areas, including (1) activities funded under the Eisenhower Mathematics and Science Education programs, (2) activities and programs funded by the National Science Foundation (NSF), and (3) if there are any Federal laboratories or science facilities in the area, with those facilities participating in the Secretary of Energy's initiative to relate those facilities to elementary and secondary school science teaching. Examples of cooperative relationships include student identification and recruitment, combined staff and program enrichment activities, sharing of teaching strategies and approaches, and joint evaluation of project activities.

*Analysis of Comments and Changes:* In response to the Secretary's invitation in the notice of proposed priorities, two parties submitted comments. An analysis of the comments follows:

*Comment:* A commenter stated that the recently funded regional centers are still in a pilot stage and program evaluations will not be conducted for a year or more. The commenter recommended not adding more programs until after it had been determined that the Department's goal was met and the regional centers had fulfilled their objectives.

*Discussion:* The Secretary recognizes that data on the effectiveness of the recently funded centers will not be available for a year or more. That is because the first centers will begin operation and serve students in the summer of 1991. To delay the funding of additional centers will decrease the opportunities for low-income and first-generation college students to participate in programs that will enhance their academic knowledge of careers related to math and the sciences. However, the Secretary is committed to the evaluation of all funded Upward Bound math and science centers, including those which may be funded under this notice.

*Changes:* None.

*Comment:* A commenter recommended that the Department provide sufficient funding to regular Upward Bound projects to upgrade their math/science components and not create new programs. The existing programs have knowledge of the students and have monitoring structures and evaluation procedures in place.

*Discussion:* The funding of additional centers will expand the number of funded projects, providing an intensified math and science curriculum as well as increase the number of participants. These additional centers will serve

students currently enrolled in an Upward Bound program and those who are eligible but not currently enrolled in an Upward Bound program. The Secretary encourages currently funded Upward Bound projects to upgrade their math and science components as well.

*Changes:* None.

*Comment:* A commenter recommended to recruit students from other than existing Upward Bound programs; to increase the per student cost by thirty-three percent; to select eighth grade students; to request projects and organizations from which students have been recruited to pay for food, housing, stipends and transportation for the participants; and to increase resources for follow-up and evaluation of student performance. The commenter stated that the Department should encourage the Centers to include true innovation and experimentation in the math and science initiative.

*Discussion:* This priority includes current Upward Bound students and students who meet the criteria for participation in an Upward Bound program. The Upward Bound program regulations (34 CFR 645.3(a)(4)) define eligible project participants as individuals who have completed the eighth grade but have not entered the twelfth grade and who meet the other eligibility criteria. The regulations do permit a project to serve students who are less than 13 years of age and who have not completed the eighth grade, but only if the project documents that its target area has an unusually high secondary school attrition rate. However, these centers are required to select students who have completed at least the ninth grade. This requirement

is reasonable since it will assure that students will have completed at least one of the usual mathematics and science courses required by secondary schools prior to entering a center with an intensified curriculum. The Secretary will consider expanding the range of grades from which students are chosen in the future after there is data available on the effectiveness of the program.

The proposed funding for fiscal year 1991 will provide modest increases for each center, and, hence, the per student cost will also increase. The centers will be required to provide room and board for all participants. Stipends are optional expenses and the centers will be advised not to offer stipends to the participants. The increases in the funding should provide sufficient funds for follow-up and evaluation.

All applicants will be required to include a plan or work scope that demonstrates relevant course materials for the specialized curriculum. The Secretary encourages innovative approaches to math and science instruction that are consistent with this priority.

*Changes:* None.

**FOR FURTHER INFORMATION CONTACT:** Goldia Hodgdon, Chief, Education Outreach Branch, Division of Student Services, 400 Maryland Avenue SW., (Room 3060 ROB-3) Washington, DC 20202-5249. Telephone: (202) 708-4804.

**TALENT SEARCH:** The Talent Search Program provides Federal financial assistance to projects designed to assist participants to continue in and graduate from secondary schools and enroll in postsecondary educational programs.

No comments were received on the proposed priority under the Talent

Search program. The Secretary has not made any changes in the proposed priority. The following final absolute priority has been established for the fiscal year 1991 grant competition under the Talent Search Program.

Under the priority, funds are reserved for projects designed to attract seventh and eighth grade eligible participants in order to encourage them to complete high school and continue their education at the postsecondary level after graduation, without regard to 34 CFR 643.3(a)(5). The Secretary will not fund any projects that propose to serve only seventh and eighth graders. The Secretary will fund projects that propose to include seventh and eighth graders among the student population to be served.

**FOR FURTHER INFORMATION CONTACT:** Goldia Hodgdon, Chief, Education Outreach Branch, Division of Student Services, 400 Maryland Avenue SW., (Room 3060 ROB-3) Washington, DC 20202-5249. Telephone: (202) 708-4804.

**STUDENT SUPPORT SERVICES:** The Department has withdrawn the proposed priority for the Student Support Services program in view of the fact that the issue is currently addressed in § 646.10(a)(8) of the program regulations.

(Catalog of Federal Domestic Assistance Number: 84.047A, Upward Bound Program, 84.044A, Talent Search Program and 84.042, Student Support Services)

Dated: February 27, 1991.

**Ted Sanders,**

*Acting Secretary of Education.*

[FR Doc. 91-5136 Filed 3-4-91; 8:45 am]

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# Final Report Federal Register

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Tuesday  
March 5, 1991

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## Part III

# Department of Agriculture

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Office of the Secretary

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7 CFR Part 12  
Highly Erodible Land and Wetland  
Conservation; Proposed Rule

**DEPARTMENT OF AGRICULTURE****Office of the Secretary****7 CFR Part 12****Highly Erodible Land and Wetland Conservation****AGENCY:** Office of the Secretary, USDA.**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes amendments to the regulations for administration of the highly erodible land and wetland conservation provisions of the Food Security Act of 1985, 16 U.S.C. 3801 *et seq.*, which are contained in 7 CFR part 12. The changes are needed to incorporate and implement amendments made to the Food Security Act of 1985 by title XIV of the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101-624. This proposed rule sets forth proposed revisions to the terms and conditions under which persons participating in Department of Agriculture programs may be determined to be ineligible as the result of (1) planting an agricultural commodity on highly erodible land or designating highly erodible cropland for participation in a Federal program for the reduction of agricultural commodity production, (2) planting an agricultural commodity on converted wetlands, or (3) converting a wetland for the purpose, or to have the effect, of making the production of an agricultural commodity possible.

**DATES:** Comments on any of the proposed amendments in this rule must be received before March 20, 1991, in order to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments to Director, Cotton, Grain, and Rice Price Support Division, USDA-ASCS, PO Box 2415, Washington, DC 20013.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra J. Nelson, Deputy Director, Cotton, Grain, and Rice Support Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, PO Box 2415, Washington, DC 20013, telephone (202) 447-3463.

**SUPPLEMENTARY INFORMATION:** This rule has been reviewed under United States Department of Agriculture (the "Department" or "USDA") procedures established in accordance with provisions of Departmental Regulation 1512-1 and Executive Order 12291 and has been classified as "major." It has been determined that current regulations will have an annual effect on the economy of \$100 million or more. Copies of an updated regulatory impact

analysis are available upon request from the previously mentioned contact.

The collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for Emergency review under the Paperwork Reduction Act of 1980. This emergency clearance will expire in 90 days. It has been determined that an emergency clearance is necessary in order to commence signups for USDA programs. The paperwork requirements which would be imposed by this proposed rule are minor revisions of the paperwork requirements under the current regulations. Public reporting burden for these collections is estimated to vary from 5 to 15 minutes per response, including time for reviewing instructions, searching existing sources, gathering and maintaining the data needed, and completing 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 Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, DC 20503. Any other comments on this rule, including the effect of the rule on private property rights, may be sent to the person identified under "**FOR FURTHER INFORMATION CONTACT**" for consideration in this rulemaking.

The titles and numbers of the Federal assistance programs, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051; Cotton Production Stabilization—10.052, Emergency Conservation Program—10.054; Emergency Loans—10.404; Farm Operating Loans—10.406; Farm Ownership Loans—10.407; Feed Grain Production Stabilization—10.055; Storage Facilities Equipment Loans—10.056; Wheat Production Stabilization—10.058; National Wool Act payments—10.059; Rice Production Stabilization—10.065; Federal Crop Insurance—10.450; Soil and Water Loans—10.416; Loans to Indian Tribes and Tribal Corporations—10.421; Watershed Protection and Flood Prevention loans and cost share payments—10.904; Great Plains Conservation Program cost share payments—10.900; Agricultural Conservation Program cost share payments—10.063; Disaster Assistance payments—10.052, 10.058, 10.065, and 10.440; Conservation Reserve Program payments—10.069; payments under the

Agricultural Credit Act—10.054; and payments under the Agricultural Water Quality Incentives Program and the Environmental Easement Program authorized by the Food Security Act of 1985, as amended (the programs are not in the catalog at this time).

This rule is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1981).

It has been determined that this proposed rulemaking does not constitute a major federal action significantly affecting the quality of the human environment. An environmental assessment, dated June 1987, that was prepared during the promulgation of the current regulations in 7 CFR part 12 is being reviewed and changes assessed with regard to this proposed rule and subsequent final rules that will be issued to implement the amended conservation provisions of the Food Security Act of 1985.

**Current Regulations**

The current regulations in 7 CFR part 12 were published as a final rule on September 17, 1987 (52 FR 35194) and amended on February 11, 1988 (53 FR 3990). The regulations implement subtitles B and C of Title XII of the Food Security Act of 1985 (the FSA), 16 U.S.C. 3801 *et seq.* The intent of these provisions of the FSA is to remove the incentive that certain benefits provided by the Department might otherwise give persons to cultivate highly erodible land or to convert wetlands for the production of an agricultural commodity. Sections 1211 and 1221 of the FSA as originally enacted (16 U.S.C. 3811 and 3821) provide that any person who, in any crop year, (1) produces an agricultural commodity on a field in which highly erodible land is predominant, but without an approved conservation system, or (2) produces an agricultural commodity on any converted wetland that was converted after December 23, 1985 will be ineligible as to the crop year in which the activity occurred, for commodity price support and other payments, farm storage facility loans, disaster payments, payments for storage of Commodity Credit Corporation-owned grain, and Federal crop insurance. Also, any such person will be ineligible for loans made, insured, or guaranteed under any provision of law administered by the Farmers Home Administration if it is determined that the proceeds of such loan will be used for a purpose that will

contribute to excessive erosion of highly erodible lands or to the conversion of wetland for agricultural commodity production.

The current regulations set forth (1) the definitions of highly erodible land, wetland, and converted wetland; (2) the activities which would cause a producer to be ineligible for benefits; (3) the exemptions from ineligibility; (4) the respective responsibilities of each administering agency; (5) the administrative appeal rights of any person denied eligibility for benefits; and (6) other provisions. The regulations are administered by the Agricultural Stabilization and Conservation Service (ASCS), the Commodity Credit Corporation (CCC), the Farmers Home Administration (FmHA), the Federal Crop Insurance Corporation (FCIC), the Soil Conservation Service (SCS) and the Extension Service (ES).

#### Statutory Changes

On November 28, 1990, the FSA was amended by Title XIV of the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act), Public Law 101-624. Those amendments changed the highly erodible land and wetland conservation provisions of the FSA and, thus, also require changes in 7 CFR part 12 as discussed below.

Under the original highly erodible land conservation provisions of the FSA, a person can become ineligible for USDA benefits by planting an agricultural commodity on highly erodible land unless certain conservation requirements have been met. Section 1411 of the 1990 Act amends the FSA to provide that those conservation requirements will also apply to land on which highly erodible land is predominant and which is set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary of Agriculture to reduce the production of an agricultural commodity. An "agricultural commodity" for purposes of the highly erodible land and wetland conservation provisions is defined in the 1985 Act to mean any agricultural commodity planted and produced in a State by annual tilling of the soil, including tilling by one-trip planters, or sugarcane planted and produced in a State.

The 1990 Act also adds provisions to specifically include additional USDA program benefits subject to the conservation requirements of the FSA. These additional program benefits are set out in this rule. The programs include the Agricultural Conservation Program, Conservation Reserve Program, Watershed Protection and Flood

Prevention Program, Great Plains Conservation Program, Agricultural Credit Act of 1948, and as recently authorized by the 1990 Act, the Agricultural Water Quality Incentives Program, and the Environmental Easement Program. This additional statutory clarification does not necessarily suggest that some of these benefits were not previously covered by USDA requirements. For example, compliance with part 12 conservation provisions has been required under the express conditions of Conservation Reserve Program contracts.

Section 1412 of the 1990 Act contains new exemptions and authority for granting relief for violations of the highly erodible land conservation provisions, including graduated sanctions for "good faith" violations. This section provides for reducing the benefits for which a person may be ineligible to an amount in the range of \$500 to \$5,000 if the person involved acted without the intent to violate the highly erodible land provisions and has not violated those provisions in the previous 5 years. Further, the 1990 Act permits a person who violates the highly erodible land conservation requirements to be considered to be in compliance if the violation is technical and minor in nature; if the violation is due to circumstances beyond the control of the person involved; or if the Secretary of Agriculture grants a temporary variance to handle a specific problem. The new amendments also exempt the noncommercial production of agricultural commodities on highly erodible land if such production is limited to two acres or less and is not found by the Secretary of Agriculture to be intended to circumvent the conservation requirements otherwise applicable to such land under part 12. These highly erodible land relief provisions, however, are not retroactive and do not apply to violations which occurred prior to November 28, 1990.

Under the wetland conservation provisions of the FSA, a person can lose eligibility for USDA benefits by planting an agricultural commodity on a wetland converted to crop production after December 23, 1985. This provision remains unchanged. However, section 1421 of the 1990 Act amends the FSA to add a new wetland "trigger". The new "trigger" provides that any wetland conversion occurring after November 28, 1990 for the purpose, or to have the effect, of making possible the production of an agricultural commodity may result in ineligibility for USDA program benefits, not only for the current year but for subsequent years until the wetland is restored.

With regard to relief provisions of wetland conservation violations, the 1990 Act continues the exemption for activities which are determined to have a minimal effect on wetland values. In addition, the 1990 Act provides that a person may, with prior approval by the Secretary, convert a frequently cropped wetland for the purpose, or to have the effect, of making production of an agricultural commodity possible if the wetland values, acreage, and functions are mitigated by the restoration of a converted wetland that was converted prior to December 23, 1985. To qualify, the restoration must be in advance of or concurrent with the action that would otherwise lead to the violation, on lands in or near the watershed in the same general area of the converted wetland, in accordance with a restoration plan, and the restoration must not be at federal expense. In addition, an easement to maintain the restored wetland must be granted to the United States and that easement must last as long as the converted wetland for which the mitigation occurred is in agricultural use or is otherwise not returned to its original wetland classification with equivalent functions and values. The easement will prohibit making alterations to the restored wetland that lower the restored wetland's functions and values. The 1990 Act also provides that such mitigation relief may be granted for any wetland, regardless of its prior cropping history, that was converted subsequent to December 23, 1985, but prior to November 28, 1990. This would allow a person who meets the mitigation qualifications to use such a converted wetland for crop production in the future without becoming ineligible for future USDA program benefits.

The 1990 Act also contains a graduated sanctions provision for past and future wetland conservation violations if: (1) They are deemed to be in "good faith" and found to have been committed without intent to commit a violation, and (2) the person involved has not committed a wetland conservation violation in the previous 10-year period. Relief in qualifying cases can be granted if the person involved is actively restoring the wetland under an agreement entered into with the Secretary to fully restore the wetland characteristics of the converted wetland or if the person has, as determined by the Secretary, previously restored the wetland characteristics of the converted wetland. In such "good faith" cases, the Secretary may reduce the loss of benefits to not less than \$750 nor more

than \$10,000, depending on the seriousness of the violation.

The 1990 Act amendments also provide that a person can regain or maintain eligibility that would otherwise be lost for future crop years (but not for past crop years) if prior to the beginning of the subsequent crop year, the person has fully restored the characteristics of the converted wetland to its prior wetland state.

The other wetland conservation and related provisions of the 1990 Act amendments include provisions regarding the delineation of wetlands and providing relief for violations caused by reliance on prior determinations.

#### Discussion of Changes

The following changes to part 12 are proposed to incorporate and implement the amendments to the FSA.

##### Section 12.1 General.

Paragraph (a) is revised to include the designation of highly erodible land for conservation use and the conversion of wetland as actions within the coverage of part 12.

##### Section 12.2 Definitions.

The term "conversion use" has been added to the list of defined terms of identify and implement the application of the highly erodible land conservation provisions to land that is designated to be devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce the production of an agricultural commodity.

The definition of the term "wetland" was restated to reflect clarifications in the statutory definition to indicate that three distinct criteria must be present in order for land to be classified as wetland. These criteria are: (1) A predominance of hydric soils; (2) the inundation or saturation by surface or ground water at a frequency and duration to support a prevalence of hydrophytic vegetation; and (3) a prevalence, under normal circumstances, of hydrophytic vegetation. In essence, the definition of "wetland" is not being changed, and the current exception provided under the FSA for certain wetlands in Alaska is left unchanged.

##### Section 12.3 Applicability.

Paragraph (b) of this section is proposed to be revised to indicate that the provisions of the 1990 Act amendments became effective on November 28, 1990 and to clarify the application of the amendments to part 12. Part 12, as amended by this rule, will

apply to all actions taken after November 28, 1990 and to determinations made after or pending on that date, except to the extent that new paragraphs (b)(6) through (b)(8) of § 12.5 have retroactive application. Those paragraphs implement new provisions for relief under the wetland conservation amendments of the 1990 Act in cases of mitigation of converted wetlands through restoration, graduated sanctions for "good faith" violations, and reliance upon an erroneous wetland determination by SCS.

##### Section 12.4 Determination of Ineligibility.

This section is revised to include (1) the designation of highly erodible land as conservation use, and (2) the conversion of wetland, as actions that cause ineligibility and to specify the period of time for which a determination of ineligibility applies. Paragraph (a)(3) of this section sets out the new wetland "trigger." It should be noted that the conversion of wetland after November 28, 1990 to produce forage crops or pasture may "trigger" a determination of ineligibility, since such a conversion also makes the production of an agricultural commodity possible.

As to the time period of ineligibility, the revised section provides that, similar to the current provisions for the production of an agricultural commodity on highly erodible land or on converted wetland, a determination of ineligibility as the result of the designation of highly erodible land as conservation use will apply to the crop year(s) covered by the designation. However, because the conversion of a wetland does not necessarily relate to any specific crop year, the first year for which benefits will be withheld as the result of a wetland conversion will be the calendar year in which the conversion occurred. Benefits for subsequent calendar years will be withheld, unless and until the wetland is restored.

This section is also revised to include the additional programs, added by the 1990 Act amendments, in the list of USDA programs benefits to be withheld if a person has been determined to be ineligible under part 12, as previously discussed.

##### Section 12.5 Exemptions.

This section is recognized for clarity and revised to include the exemptions authorized by the 1990 Act amendments as discussed below. A considerable portion of the various paragraphs in this section will not be changed, but they are set out in context with the proposed revisions as a convenience to the reader.

#### Highly Erodible Land

All of paragraph (a) contains the exemption related to highly erodible land. Revised paragraphs (a)(1) through (a)(3) are essentially unchanged from the current regulations, except for the inclusion of the designation of highly erodible land for conservation use.

Paragraph (a)(4) is added to implement the exemption related to the noncommercial production of agricultural commodities on areas of two acres or less in situations where it is determined that such production is not intended to otherwise circumvent the highly erodible land conservation requirements of the FSA.

Paragraph (a)(5) is added to implement the graduated sanctions provision for highly erodible land which provide relief for persons, who, in "good faith", violate the highly erodible land conservation requirements. A person who qualifies under this exemption would be assessed a reduction in benefits of not less than \$500 nor more than \$5,000, rather than the loss of all USDA program benefits. The dollar amount of the payment reduction will be determined on a case-by-case basis considering the severity of the violation, as determined by ASCS, and the number of acres in violation, as determined by SCS. Only one grant of graduated sanction relief under these provisions is allowed in any consecutive 5-year period. Furthermore, a person who receives reduced benefits under this provision shall continue to be eligible for benefits in subsequent years if prior to such subsequent years, such person is actively applying an approved conservation plan on all highly erodible land that is covered by part 12.

Paragraph (a)(6) is added to implement the exemption for technical and minor deficiencies in applying conservation plans. This provision of the 1990 Act amendments allows SCS to continue to exercise discretion based upon expertise of the agency in determining when a person is actively applying a plan. Under the exemption, a person will not lose USDA program benefits for failure to actively apply the plan for technical and minor violations, such as not precisely achieving the required pounds of residue per acre, or due to circumstances beyond the control of the person, such as adverse weather conditions, illness, or accident. Temporary variances from a practice specified in an approved conservation plan would be allowed by SCS to deal with specific problems. These variances become modifications to the approved conservation plan.

This proposed rule also will remove current paragraph (f) from § 12.5 as this paragraph, which contains a "grandfather" exemption for the production of agricultural commodities during the 1985 crop year, is no longer needed.

#### Wetlands and Converted Wetlands

All of paragraph (b) contains the exemptions related to wetlands and converted wetlands. Like the exemptions in paragraph (a), the provisions of paragraph (b) are reorganized to improve clarity, to add new exemption provisions for the mitigation or restoration of certain converted wetlands, and to provide graduated sanctions for "good faith" violations of the wetland provisions.

Several changes in the existing regulations are necessary to adapt applicable existing exemptions to the new wetland "trigger". In particular, the fact that the act of conversion under the 1990 Act amendments, as opposed to the actual production of an agricultural commodity, can "trigger" a determination of ineligibility, required a determination as to whether all wetland conversions were within the coverage of the 1990 Act amendments. It has been determined, as specified in new paragraph (b)(1)(ii), that conversions for purposes that do not at the same time make possible agricultural commodity production (such conversions for fish production; production of trees, vineyards, or shrubs; building or road construction; or other similar activities) are exempt from the wetland "trigger". Likewise, the new wetland "trigger" requires an amendment to the current regulations related to wetland conversions by third parties. The current regulations, at § 12.5(d)(1)(vi), provide for attributing the wetland conversion actions of a drainage district or other similar entity to a person who is within the jurisdiction of the converting organization and is assessed for the conversion activities. This was intended to prevent circumvention of the wetland conservation provisions of the FSA, in that a person who planted on their land that was converted by the district would become ineligible for benefits; a person who did not would remain outside of the FSA. However, under the new wetland "trigger" the current wording of this paragraph could cause a person within a district's assessment jurisdiction to become ineligible for conversion activities of the district that are completely separate and unrelated to their lands or to their agricultural commodity production, if any. In order to avoid undue hardship, the paragraph would be amended by the proposed

addition of a sentence to preclude the attribution if the activities of the district are beyond the control of the person and the person does not use the converted wetland for production of an agricultural commodity or a forage crop.

Under this proposed rule, new paragraph (b)(6) provides that a person will not be determined to be ineligible for future benefits as the result of the conversion of frequently cropped wetland or as the result of the production of an agricultural commodity on a converted wetland that was converted between December 23, 1985 and November 28, 1990 if the wetland characteristics of the converted wetlands are mitigated through the restoration of a converted wetland that was converted before December 23, 1985. However, several specific requirements would have to be met, including the granting of an easement to USDA for the protection of the restored wetlands.

Graduated sanctions are provided under new paragraph (b)(7) for "good faith" violations of the wetland conservation provisions. The relief available under this paragraph is similar to the highly erodible land graduated sanctions except that (1) the range of benefit reduction is \$750 to \$10,000; (2) the converted wetland must be restored in accordance with a restoration plan and schedule approved by SCS in agreement with the U.S. Fish and Wildlife Service; (3) only one violation is permitted in any 10-year period without loss of all USDA benefits.

The 1990 Act amendments also include a provision to assure that persons will not be adversely affected by incorrect wetland determinations of SCS. New paragraph (b)(8) provides that persons will not lose eligibility for USDA program benefits as the result of the production of an agricultural commodity on converted wetland or for the conversion of a wetland if such actions were taken in reliance on an incorrect determination by SCS as to the status of the land. This exemption applies to actions taken prior to the person being informed of the correct determination. Paragraph (b)(8) provides further that if the SCS error caused the person to make a substantial financial investment for the conversion of a wetland, the person will not be determined to be ineligible for actions related to that portion of the converted wetland for which the investment was expended in conversion activities.

Paragraph (f) of the current regulations, which provides a "grandfather" exemption from the highly erodible land conservation provisions

for crops planted before, or in any crop year that began before December 23, 1985, is to be removed as it is no longer needed. Paragraph (g) of the current regulations, which sets forth the responsibility of persons seeking an exemption related to converted wetland, is redesignated as paragraph (b)(9) and revised to address the expansion of the wetland conservation provisions caused by the new wetland "trigger". The affected person has the burden of producing the information required for SCS to determine whether this exemption applies, as well as the traditional burden of proving that an exemption applies. Accordingly, a person should contract SCS before taking any action related to the conversion of a wetland for a determination of whether or not a violation of the FSA might occur.

#### Section 12.6 Administration.

This section of the regulations set out the respective responsibilities of the various USDA agencies for administration of the highly erodible land and wetland conservation provisions of the FSA. Paragraph (b) is amended to include the new responsibilities of ASCS for determining whether certain violations were made in "good faith" and determining the amount of reduction in benefits for "good faith" violations under the graduated sanctions relief. Paragraph (b)(6) in accordance with the 1990 Act is added to provide for the maintenance by ASCS of a public listing of the farms or tracts of land that have a certified determination of wetland or converted wetland status.

Paragraph (c), relating to the responsibilities of SCS, is revised to clarify existing SCS duties and to include new responsibilities added by the 1990 Act amendments. In addition, both paragraph (b) and paragraph (c) are revised where necessary to conform any cross references to other sections or paragraphs that are redesignated or otherwise changed by the proposed revisions.

#### Section 12.7 Certification.

This section contains the requirements for certain certifications by persons applying for USDA program benefits. The current regulations provide, in general, that the person must certify that the person will not produce an agricultural commodity or use the proceeds of a FmHA insured or guaranteed loan in a manner that violates the current regulations. Paragraphs (a)(2) and (a)(3) are amended to include the designation of

highly erodible land as conservation use and the conversion of wetland in the list of actions for which a person must certify compliance.

#### *Section 12.9 Landlords and Tenants.*

This section of the current regulations contains certain protections that were provided by the FSA, as originally enacted, for landlords to protect a landlord from being determined to be ineligible for USDA program benefits as the result of an action by a tenant or share cropper. The 1990 Act amendments do not affect this provision, but they do add protection for tenants who might otherwise be determined to be ineligible for failure to implement a conservation plan for highly erodible land if such failure is a result of the refusal of the landowner to allow the actions needed for compliance. If a violation occurs in this situation, the ineligibility of the tenant or renter would be limited to the farm or tract to which the violation applies, not all the land operated by the tenant or renter. In such cases, the owner and tenant or renter must show that a scheme or device to avoid compliance is not present. Also, the tenant or renter would have to have demonstrated a "good faith" effort toward compliance by developing an approved conservation plan prior to any violation to be considered for this exemption. ASCS county committees will make the exemption determination based on pertinent facts relating to the case, including information provided by SCS. In addition to the specific conditions and requirements to qualify for such protection, under new paragraph (b)(2) the tenant or renter must actively apply those conservation treatment measures that are determined to be within the control of the tenant or renter.

#### *Section 12.10 Scheme or Device.*

This section of the current regulations identifies and addresses actions that are deemed to be intended to circumvent the requirements of the FSA and part 12. This proposed rule amends the current regulation by removing the qualifying phrase, "for the production of an agricultural commodity," from the end of the last sentence, as this qualification is too narrow under the 1990 Act amendments regarding the designation of the highly erodible land as conservation use and the conversion of wetlands.

#### *Section 12.11 Action Based Upon Advice or Action of the Department.*

This section would be amended by the addition of a sentence to expand the current provisions for the granting of

relief in order to achieve fair and reasonable determinations of compliance in cases where ineligibility may be caused by actions taken in good faith reliance on the advice or actions of representatives of USDA. This proposed revision is intended to implement authority provided to the Secretary of Agriculture, including that in an amendment to section 326 of the Food and Agriculture Act of 1962, 7 U.S.C. 1339c, provided for in section 1132 of the 1990 Act.

#### *Section 12.23 Conservation Plans and Conservation Systems.*

This section sets out the standards and the procedures to be followed in developing and implementing conservation plans and conservation systems for compliance with the highly erodible land conservation requirements. A new paragraph (b) is added to address the amendment to the FSA by section 1412 of the 1990 Act, which provides that land enrolled in the Conservation Reserve Program (CRP) is subject to the highly erodible land conservation provisions upon expiration or termination of the CRP contract, but that the owner or operator of such land will have 2 years, or longer if appropriate, after expiration of the CRP contract to comply with any conservation practices that require construction of structural measures. This extension of time beyond the 2 year period will be based on a determination by SCS that compliance within the 2 year period is not technically or economically feasible, as specified in the 1990 Act amendment, and will be limited to one year.

A new paragraph (c) is added to describe additional information that SCS will make available to persons who are preparing a conservation plan or the revision of a plan.

#### *Section 12.30 SCS Responsibilities Regarding Wetlands.*

This section is amended to add a new paragraph regarding agreements and consultation between the SCS and the U.S. Fish and Wildlife Service on the restoration of converted wetlands, and regarding procedures for on-site wetland determinations and certification of wetland delineations, as required by the 1990 Act amendments.

#### *Section 12.31 Wetland Identification Criteria.*

A sentence is added to the end of paragraph (d) to clarify the scope of an exemption that is allowed under the FSA for the conservation of a wetland or for the production of an agricultural commodity on a converted wetland

upon a determination, as described in paragraph (d), that the activity will have only minimal effects on the hydrological and biological aspects of wetlands. The new sentence provides that where the minimal effect determination is based on the restoration or other mitigation of lost wetland values, in accordance with a restoration or mitigation plan and schedule approved by SCS in agreement with the U.S. Fish and Wildlife Service, the exemption from ineligibility for benefits will be effective after approval of the plan and as set forth in the plan.

#### *Section 12.33 Use of Wetland and Converted Wetland.*

This section currently contains guidance on the activities that can take place with regard to wetlands and converted wetland without causing a person to become ineligible for USDA program benefits. A new sentence would be added by this proposed rule to paragraph (b) to clarify the extent to which maintenance may continue for an alteration or manipulation that affects the reach or flow of water on a wetland that was in crop production before December 23, 1985.

#### **List of Subjects in 7 CFR Part 12**

Highly erodible land, Wetland, Conservation, Price support programs, Federal crop insurance, Farmers Home Administration loans, Incorporation by reference, Loan programs, Agriculture, Environmental protection.

Accordingly, title 7, part 12 of the Code of Federal Regulations is proposed to be amended as follows:

#### **PART 12—HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION**

1. The authority citation for part 12 is revised to read as follows:

Authority: 16 U.S.C. 3801 *et seq.*

2. Section 12.1 is amended by revising paragraph (a) to read as follows:

##### **§ 12.1 General.**

(a) This part sets forth the terms and conditions under which a person who produces an agricultural commodity on highly erodible land or designates such land for conservation use, plants an agricultural commodity on a converted wetland, or converts a wetland shall be determined to be ineligible for certain benefits provided by the United States Department of Agriculture and agencies and instrumentalities of the Department.

\* \* \* \* \*

3. Section 12.2 is amended by adding a comma after the word "planted" in paragraph (a)(1), redesignating paragraphs (a)(7) through (a)(28) as

paragraphs (a)(9) through (a)(29) respectively, adding new paragraph (a)(7), and revising newly redesignated paragraph (a)(29), to read as follows:

**§ 12.2 Definitions.**

(a) \* \* \*

(7) *Conservation use* or set aside means cropland that is designated as conservation use acreage, set aside or other similar designation for the purpose of fulfilling any provisions under any acreage limitation or land diversion program administered by the Secretary of Agriculture, requiring that the producer devote a specified acreage to conservation or other non-crop production uses.

\* \* \* \* \*

(29) *Wetland*, except when such term is a part of the term *converted wetland*, means land that (i) has a predominance of hydric soils; (ii) is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; (iii) and under normal circumstances does support a prevalence of such vegetation, except that this term does not include lands in Alaska identified as having a high potential for agricultural development and a predominance of permafrost soils.

\* \* \* \* \*

4. Section 12.3 is amended by revising paragraph (b) as follows:

**§ 12.3 Applicability.**

\* \* \* \* \*

(b) The provisions of this part apply to all actions taken after and to determinations made after or pending on November 28, 1990, except to the extent that § 12.5 (b)(6) through (b)(8) have retroactive application to December 23, 1985 for certain actions and determinations regarding wetlands and converted wetlands. Actions taken and determinations made prior to November 28, 1990 are subject to regulations set forth in this part as of November 27, 1990.

5. Section 12.4 is revised to read as follows:

**§ 12.4 Determination of ineligibility.**

(a) Except as provided in § 12.5, a person shall be ineligible for all USDA program benefits listed in paragraph (c) of this section if:

(1) The person produces an agricultural commodity on a field in which highly erodible land is predominant, or designates such a field as conservation use;

(2) The person produces an agricultural commodity on wetland that

was converted after December 23, 1985; or

(3) After November 28, 1990, the person converts a wetland by draining, dredging, filling, leveling or other means for the purpose, or to have the effect, of making the production of an agricultural commodity possible.

(b) A person determined to be ineligible under paragraph (a)(1) or (a)(2) of this section shall be ineligible for all of the USDA program benefits listed in paragraph (c) of this section for which the person otherwise would have been eligible during the crop year for which the determination applies. A person determined to be ineligible under paragraph (a)(3) of this section for the conversion of a wetland shall be ineligible for all of the USDA program benefits listed in paragraph (c) of this section for which the person otherwise would have been eligible during the calendar year for which the determination applies and each subsequent calendar year until the converted wetland is restored.

(c) USDA program benefits covered by a determination of ineligibility under this rule are:

(1) Any type of price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 *et seq.*), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*), or any other Act;

(2) A farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) Payments made under the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*);

(4) A disaster payment under the Agricultural Act of 1949 (7 U.S.C. 1421 *et seq.*); or under section 132 of the Disaster Assistance Act of 1989 (16 U.S.C. 1421 *et seq.*) or any similar provisions enacted subsequent to August 14, 1989;

(5) A farm loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*) or any other provision of law administered by the Farmers Home Administration if the Secretary determines that the proceeds of such loan will be used for a purpose that contributes to the conversion of wetlands that would make production of an agricultural commodity possible or for a purpose that contributes to excessive erosion of highly erodible land (i.e., production of an agricultural commodity on highly erodible land without a conservation plan or conservation system as required by this part);

(6) A payment made under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b or 714c) for the storage of an agricultural commodity acquired by the Commodity Credit Corporation;

(7) A payment made under section 8, 12, or 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590(l), or 590p(b));

(8) A payment made under section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 or 2202);

(9) A payment made under any contract entered into pursuant to section 1231 of the Food Security Act of 1985, as amended (16 U.S.C. 3831);

(10) A payment made under chapter 2, Agricultural Water Quality Incentives Program, or chapter 3, Environmental Easement Program, of subtitle D, Title XII of the Food Security Act of 1985, as amended; and

(11) A payment, loan, or other assistance under section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 or 1006a).

(d) The provisions of paragraphs (a) and (b) of this section do not apply to any loan described in paragraph (c) of this section that was made prior to December 23, 1985.

(e) For the purposes of paragraph (a) of this section, a person shall be determined to have produced an agricultural commodity on a field in which highly erodible land is predominant or to have designated such a field as conservation use, to have produced an agricultural commodity on converted wetland, or to have converted a wetland if:

(1) SCS has determined that—

(i) Highly erodible land is predominant in such field, or

(ii) All or a portion of the field is converted wetland; and

(2) ASCS has determined that the person is or was the owner or operator of the land, or entitled to share in the crops available from the land, or in the proceeds thereof; and

(3) With regard to the provisions of paragraph (a)(1) and (a)(2) of this section, ASCS has determined that the land is or was planted to an agricultural commodity or was designated as conservation use during the year for which the person is requesting benefits.

(f) Persons who wish to participate in any of the USDA programs described in paragraph (c) of this section are responsible for contacting the appropriate agency of the Department well in advance of intended participation date so that Form AD-1026 can be completed. This contact will help assure that the appropriate

determinations regarding highly erodible land or wetland, and conservation plans or conservation systems are scheduled in a timely manner. A late contact may not allow sufficient time for USDA to service the request and could result in a substantial delay in receiving a USDA determination of eligibility or ineligibility.

6. Paragraph (b)(2) of § 12.5 is removed, paragraphs (a) through (c) are redesignated as paragraphs (a)(1) through (a)(3) and revised, and new paragraphs (a)(4) through (a)(6) are added to read as follows:

#### § 12.5 Exemptions.

(a) *Exemptions regarding highly erodible land—(1) Highly erodible cropland in production or in Department programs during 1981 through 1985 crop years.* During the period beginning on December 23, 1985, and ending on the later of January 1, 1990, or the date that is two years after the date the cropland on which an agricultural commodity is produced was surveyed by the SCS to determine if such land is highly erodible, no person shall be determined to be ineligible for benefits as provided in § 12.4 as the result of the production of a crop of an agricultural commodity on any highly erodible land:

(i) That was planted to an agricultural commodity in any year 1981 through 1985; or

(ii) That was set aside, diverted or otherwise not cultivated in any such crop years under a program administered by the Secretary for any such crops to reduce production of an agricultural commodity.

(2) *Compliance with a conservation plan or conservation system.* As further specified in this part, no person shall be ineligible for the program benefits described in § 12.4 as the result of production of an agricultural commodity on highly erodible land or the designation of such land as conservation use if such production of designation is in compliance with an approved conservation plan or conservation system.

(i) With respect to the production of an agricultural commodity on any land identified under paragraph (a)(1) of this section, if, as of January 1, 1990, or the date that is 2 years after the date SCS has completed a soil survey of the cropland on the tract or farm, whichever is later, a person is actively applying a conservation plan based on the local SCS field office technical guide and approved by the CD, in consultation with the local ASC committees and SCS, such person shall have until January 1, 1995, to fully comply with the plan

without being determined to be ineligible for benefits under § 12.4.

(ii) A person shall not be ineligible for program benefits under § 12.4 as the result of the production of an agricultural commodity on highly erodible land or as the result of designation of such land as conservation use if the production of designation is:

(A) In an area within a CD, under a conservation system that has been approved by the CD after the CD determines that the conservation system is in conformity with technical standards set forth in the SCS field office technical guide for such district; or

(B) In an area not within a CD, under a conservation system that has been approved by SCS to be adequate for the production of such agricultural commodity on highly erodible land or for the designation of such land as a conservation use.

(3) *Reliance upon SCS determination for highly erodible land.* A person may be relieved from ineligibility for program benefits as the result of the production of an agricultural commodity which was produced on highly erodible land or for the designation of such land as conservation use in reliance on a determination by SCS that such land was not highly erodible land, except that this paragraph shall not apply to any agricultural commodity that was planted on highly erodible land, or for the designation of highly erodible land as conservation use after SCS determines that such land is highly erodible land, and the person is notified of such determinations.

(4) *Area of 2 acres or less.* No person shall be determined to be ineligible under § 12.4 for noncommercial production of agricultural commodities on an area of 2 acres or less if it is determined by ASCS that such production is not intended to circumvent the conservation requirements otherwise applicable under this part.

(5) *Graduated sanctions.* (i) After November 28, 1990, no person shall become ineligible under § 12.4 as a result of the failure of such person to actively apply a conservation plan that documents the decisions of such person with respect to location, land use, tillage systems, conservation treatment measures and schedules if ASCS determines such person has—

(A) Not violated the highly erodible land provisions of this part within the past 5 years; and

(B) Acted in good faith and without the intent to violate the provisions of this part.

(ii) A person who is determined to meet the requirements of paragraph (a)(5)(i) of this section shall be subject in

lieu of the loss of all benefits specified under § 12.4(c) for such crop year, to a reduction in benefits of not less than \$500 nor more than \$5,000 depending upon the seriousness of the violation, as determined by ASCS. The dollar amount of the reduction will be determined by ASCS and may be based on the number of acres and the degree of erosion hazard of the area in violation, as determined by SCS or upon such other factors as ASCS deems appropriate.

(iii) Any person whose benefits are reduced in a crop year under paragraph (a)(5) of this section may be eligible for all of the benefits specified under § 12.4(c) for any following crop year if SCS determines that such person is actively applying a conservation plan according to the schedule set forth in the plan on all erodible land planted to an agricultural commodity or designated as conservation use.

(6) *Allowable variances.* (i) Notwithstanding any other provisions of this part, no person shall be determined to be ineligible for benefits as a result of the failure of such person to actively apply a conservation plan if SCS determines that—

(A) The failure is technical and minor in nature and that such violation has little effect on the erosion control purposes of the conservation plan applicable to the land on which the violation has occurred; or

(B) The failure is due to circumstances beyond the control of the person; or

(C) SCS grants a temporary variance from the practices specified in the plan for the purpose of handling a situation which SCS determines cannot reasonably be addressed except through such variance.

(ii) A variance granted under this paragraph shall not be counted as a violation for purposes of paragraph (5)(i)(A) of this section.

\* \* \* \* \*

7. Paragraph (d) of § 12.5 is redesignated as paragraph (b), and paragraphs (d)(1) through (d)(1)(v) are redesignated as paragraphs (b)(1) through (b)(1)(iv)(C) and revised as follows:

#### § 12.5 Exemptions.

\* \* \* \* \*

(b) *Exemptions for wetland and converted wetland.* (1) A person shall not be determined to be ineligible for program benefits under § 12.4 as the result of the production of an agricultural commodity on converted wetland or the conversion of wetland:



(i) If the conversion of such wetland was commenced or completed before December 23, 1985; or

(ii) If the conversion is for a purpose that does not make the production of an agricultural commodity possible, such as conversions for fish production, trees, vineyards, shrubs, or building and road construction; or

(iii) If SCS has determined that the actions of the person with respect to the conversion of the wetland, or the production of an agricultural commodity on the converted wetland, individually and in connection with all other similar actions authorized by SCS in the area, would have only a minimal impact on the functional hydrological and biological aspect of wetlands; or

(iv) If the area is:

(A) An artificial lake, pond or wetland created by excavating or diking non-wetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control; or

(B) A wet area created by a water delivery system, irrigation, irrigation system, or application of water for irrigation; or

(C) Wetland on which the owner or operator of a farm or ranch uses normal cropping or ranching practices to produce agricultural commodities in a manner that is consistent for the area, where such production is possible as a result of natural conditions, such as drought, and is without action by the producer that destroys a natural wetland characteristic.

8. Paragraph (d)(1)(vi) of § 12.5 is redesignated as paragraph (b)(1)(iv)(D) and is amended by revising the reference to "paragraph (d)(1)(v)" in the second sentence to read "(b)(1)(iii)", and by adding a sentence at the end of the paragraph to read as follows:

#### § 12.5 Exemptions.

(b) \* \* \* (1)

(iv) \* \* \*

(D) \* \* \* Notwithstanding the provisions of the preceding sentences and as determined by ASCS to be consistent with the purposes of this part, the activities of a drainage district or other entity will not be attributed to a person to the extent that the activities of the district or entity were beyond the control of the person and the wetlands converted are not used by the person for the production of an agricultural commodity or a forage crop.

9. Paragraphs (d)(2) through (d)(5)(iv) in § 12.5 are redesignated as paragraphs (b)(2) through (b)(5)(iv), respectively,

and are amended by revising the references to "(d)(3)" and "(d)(4)" wherever they appear in the redesignated paragraphs to read "(b)(3)" and "(b)(4)", respectively and by revising the reference to "§ 12.4(d)(1)(i)" in redesignated paragraph (b)(5)(i) to read "this section".

10. Paragraph (e) and (f) of § 12.5 are removed, new paragraphs (b)(6) through (b)(8) are added, and paragraph (g) is redesignated as paragraph (b)(9) to read as follows:

#### § 12.5 Exemptions.

(b) \* \* \*  
(6) *Mitigation through restoration of another converted wetland.* (i) No person shall be determined to be ineligible under § 12.4 as the result of the conversion of a wetland that is frequently cropped (a wetland farmed more often than not, as determined from ASCS crop history data) or for the production of an agricultural commodity on a converted wetland that was converted between December 23, 1985 and November 28, 1990, if the wetland values and functions are mitigated through the restoration of a converted wetland, which was converted prior to December 23, 1985. Such mitigation will allow a person to produce agricultural commodities on the converted wetland without being ineligible for future benefit if such restoration:

(A) Is in accordance with a restoration plan approved by SCS with the agreement of the U.S. Fish and Wildlife Service, as described in § 12.30(b);

(B) Is in advance of, or concurrent with, the wetland conversion or the production of an agricultural commodity, as applicable;

(C) Is not at the expense of the federal government in either supporting the direct or indirect costs of the restoration activity or costs associated with acquiring or securing mitigation sites;

(D) Occurs on lands in or near the same hydrologic unit or watershed, and as close as practicable to the wetland for which the mitigation is required, or through the use of mitigation banks; and

(E) Is on lands for which the owner has agreed to grant an easement to USDA, recorded on public land records, for the maintenance of the restored wetland for as long as the converted wetland for which the mitigation occurred remains in agricultural use or is not returned to its original wetland classification with equivalent functions and values.

(ii) Mitigation agreements required under paragraph (b)(i)(6) of this section involving greater than a one to one

acreage restoration are applicable to SCS under § 12.12.

(7) *Graduated sanctions.* (i) A person who is determined under § 12.4 to be ineligible for benefits as the result of the production of an agricultural commodity on a wetland converted after December 23, 1985, or as the result of the conversion of a wetland after November 28, 1990, may regain eligibility for reduced benefits if—

(A) ASCS determines that the person has not otherwise violated the wetland provisions of this part in the previous 10-year period on any tract or farm owned, operated, or leased by such person, and that such person acted in good faith, without the intent to violate the wetland provisions of this part; and

(B) SCS determines that the person is actively restoring or has restored the converted wetland to the wetland conditions that existed prior to conversion according to a restoration plan and schedule approved by SCS in agreement with the U.S. Fish and Wildlife Service, as described in § 12.30(b).

(ii) After the requirements of paragraph (b)(7)(i) of this section are met, USDA may, in lieu of applying the ineligibility provisions of § 12.4, reduce program benefits by not less than \$750 nor more than \$10,000 for that crop year depending upon the seriousness of the violation, as determined by ASCS in consideration of relevant factors, such as the information available to the producer prior to the violation, previous land use patterns, the number of wetland acres affected, and the recovery time for full restoration of the wetland values.

(iii) The relief allowed by paragraph (b)(7)(i) and (ii) of this section may apply retroactively to include the restoration of portions of benefits withheld for violations of the wetland conservation provisions of this part that occurred after December 23, 1985.

(8) *Reliance upon SCS determination for wetland or converted wetland.* A person shall not be ineligible for program benefits as the result of the production of an agricultural commodity on converted wetland for the conversion of a wetland if such action was taken in reliance on an incorrect determination by SCS as to the status of such land, except that this paragraph shall not apply to the production of an agricultural commodity or to actions related to the conversion of wetland that take place after SCS informs the person of the error. If the error caused the person to make a substantial financial investment, as determined by the appropriate agency of USDA, for the

conversion of a wetland, the person may be relieved of ineligibility for actions related to that portion of the converted wetland for which the substantial financial investment was expended in conversion activities.

(9) It is the responsibility of the person seeking an exemption related to converted wetlands under this section to provide evidence, such as receipts, crop history data, drawings, plans or similar information, for purposes of determining whether the conversion or other action is exempt in accordance with this section.

**§ 12.6 [Amended]**

11. Section 12.6 is amended by removing, in each paragraph listed below in the left column, the reference indicated in the middle column from where it appears in the paragraph, and adding in its place the reference indicated in the right column:

Paragraph	Remove	Add
(b)(3)(i).....	§ 12.4(b).....	§ 12.4(e)
(b)(3)(ii).....	§ 12.4(a)(13).....	§ 12.2(a)(14)
(b)(3)(v).....	§ 12.5(a)(2).....	§ 12.4(e) and § 12.5(a)(1)
(b)(3)(vii).....	§ 12.5(d) (3) or (4).	§ 12.5(b) (3) or (4)
(b)(3)(ix).....	§ 12.5(d)(1)(vi).....	§ 12.5(b)(iv)(D)
(c)(2)(iv).....	§ 12.5(b)(3).....	§ 12.5(a)(3)

12. Section 12.6 is amended by revising the word "determination" in paragraph (b)(3) to read "determinations", removing paragraph (b)(3)(vi), redesignating paragraphs (b)(3)(vii) through (b)(3)(ix) as paragraphs (b)(3)(vi) through (b)(3)(viii), respectively revising the words "Chief of the SCS" in paragraph (c)(1) to read "Deputy Chief", and by adding paragraphs (b)(3)(ix), (b)(3)(x), (b)(6), and (c)(2) (vii) through (xiv) to read as follows:

**§ 12.6 Administration.**

\* \* \* \*

(b) \* \* \*  
(3) ASCS shall make the following determinations which are required to be made in accordance with this part:

\* \* \* \*

(ix) Whether certain violations were made in good faith. County Office good faith determinations shall be reviewed by the ASCS District Director if any of the following conditions apply to the case:

- (A) The wetland was officially certified by SCS,
- (B) USDA met with the producer to discuss the location of the wetland,
- (C) The producer was involved in a previous swampbuster violation issue, or

(D) The wetland is in an uncropped field, and conversion brought new land into production through extensive modification of vegetation and hydrology.

(x) The determination of the amount of reduction in benefits based on the seriousness of the violation, based on technical information provided by SCS and FWS.

\* \* \* \*

(6) ASCS shall maintain in its county offices a public listing of the farms or tracts that have a certified determination of wetland or converted wetland status.

(c) \* \* \*

(1) The provisions of this part that are applicable to SCS shall be administered under the general supervision of the Deputy Chief for Programs, and shall be carried out in the field by the state conservationist, area conservationist, and district conservationist.

(2) \* \* \*

(vii) Whether an approved conservation plan is being actively applied on highly erodible fields in accordance with the schedule specified therein or whether a failure to apply the plan is technical and minor in nature, due to circumstances beyond the control of the person, or whether a temporary variance from the requirements of the plan should be granted.

(viii) Whether an approved conservation system is being used on a highly erodible field.

(ix) Whether the conversion of a wetland is for the purpose or has the effect of making the production of an agricultural commodity possible.

(x) Whether a converted wetland is abandoned.

(xi) Whether the planting of an agricultural commodity on a wetland is possible under natural conditions.

(xii) Whether maintenance of existing drainage of a wetland described in § 12.32(a)(3) exceeds the scope and effect of the original drainage.

(xiii) Whether a plan and schedule for the restoration of a converted wetland will be approved and whether the restoration of a converted wetland is accomplished according to the approved restoration plan and schedule.

(xiv) Whether all pertinent data relating to the determination of a violation and severity of a violation has been provided to ASCS for making graduated sanctions determinations.

\* \* \* \*

13. Section 12.7 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

**§ 12.7 Certification.**

(a) \* \* \*

(2) The person applying for the benefits must certify in writing on Form AD-1026 that such person will not produce an agricultural commodity on highly erodible land, or designate such land as conservation use; or plant an agricultural commodity on a converted wetland; or convert a wetland such as to make possible the production of an agricultural commodity during the crop year in which the person is seeking such benefits, unless such actions are exempt, under § 12.5, from the provisions of § 12.4 of this part;

(3) The person applying for a FmHA insured or guaranteed farm loan must certify that such person shall not use the proceeds of the loan for a purpose that will contribute to excessive erosion on highly erodible land or to conversion of wetlands for the purpose, or to have the effect, of making the production of an agricultural commodity possible; and

\* \* \* \*

14. Section 12.9 is amended by redesignating paragraphs (a) and (b) as (a)(1) and (a)(2) respectively, revising redesignated paragraph (a)(1), revising the reference to "paragraph (a)" in redesignated paragraph (a)(2) to read "paragraph (a)(1)", adding a heading for paragraph (a) and adding a new paragraph (b) to read as follows:

**§ 12.9 Landlords and tenants.**

(a) *Landlord eligibility.* (1) Except as provided in paragraph (a)(2) of this section, the ineligibility of a tenant or sharecropper for benefits (as determined under § 12.4) shall not cause a landlord to be ineligible for USDA program benefits accruing with respect to land other than those in which the tenant or sharecropper has an interest.

(2) \* \* \*

(b) *Tenant or renter eligibility.* (1) The ineligibility of a tenant or renter may be limited to the program benefits listed in § 12.4(c) accruing with respect to only the farm on which the violation occurred:

(i) The tenant or renter shows that a good faith effort was made to comply by developing an approved conservation plan for the highly erodible land in a timely manner and prior to any violation of the provisions of this part; and

(ii) The owner of such farm refuses to apply such a plan and prevents the tenant or renter from implementing certain practices that are a part of the approved conservation plan; and

(iii) ASCS determines that the lack of compliance is not a part of a scheme or device as described in § 12.10.

(2) If relief is granted under paragraph (b)(1) of this section, the tenant or renter must actively apply those conservation

treatment measures that are determined to be within the control of the tenant or renter.

**§ 12.10 [Amended]**

15. Section 12.10 is amended by removing the phrase "for the production of an agricultural commodity" at the end of the section.

16. Section 12.11 is amended by adding a sentence at the end to read as follows:

**§ 12.11 Action based upon advice or action of the Department.**

\* \* \* In addition, if it is determined by the appropriate USDA agency that the action of a person which would form the basis of any ineligibility under this part was taken by such person in good faith reliance on erroneous advice, information, or action of any other authorized representative of USDA, the appropriate agency may make such benefits available to the extent that similar relief would be allowed under 7 CFR part 790.

**§ 12.22 [Amended]**

17. Section 12.22 is amended by revising the reference to "§ 12.5(c)" in paragraph (c) to read "§ 12.5(a)(2)".

18. Section 12.23 is amended by removing the references to "§ 12.5(b)" in the first sentences of paragraphs (a) and (d), and adding in their place "§ 12.5(a)", redesignating paragraphs (b) through (e) as paragraphs (d) through (g), respectively, and by adding new paragraphs (b) and (c) to read as follows:

**§ 12.23 Conservation plans and conservation systems.**

\* \* \* \* \*

(b) Any person who owns or operates highly erodible land that was under a Conservation Reserve Program contract as authorized by section 1231 of the Food Security Act of 1985, as amended, shall have 2 years after the expiration or termination of the contract to fully apply a conservation system if the conservation plan for such land requires the installation of structural measures for the production of an agricultural commodity. SCS officials may extend this period one additional year for circumstances beyond the control of the person.

(c) SCS, in providing assistance to a person for the preparation or revision of a conservation plan under this part, will provide such person with information concerning cost effective and applicable erosion control alternatives, crop flexibility, base adjustment or other

conservation assistance options that may be available.

\* \* \* \* \*

19. Section 12.30 is amended by redesignating paragraphs (a) through (e) as paragraphs (a) through (a)(4), redesignating the introductory text as paragraph (a), by removing the reference to "§ 12.5(d)(1) and (d)(2)" in redesignated paragraph (a)(3) and adding in its place "§ 12.5(b)", and by adding new paragraphs (b), (c), and (d) to read as follows:

**§ 12.30 SCS responsibilities regarding wetlands.**

(a) \* \* \*

(3) Consult with the Fish and Wildlife Service on determinations of exemptions made under § 12.5(b) and on matters relating to the identification of a wetland,

\* \* \* \* \*

(b) Technical determinations regarding the restoration of converted wetlands and the development of restoration plans under this part will be made through the agreement of the local representative of SCS and a representative of the U.S. Fish and Wildlife Service. If agreement cannot be reached at the local level, such determinations will be referred to the SCS state conservationist who will, in making such determinations, consult with the U.S. Fish and Wildlife Service. All determinations made by SCS state conservationists under this paragraph will be reported by the state conservationists and the representatives of the U.S. Fish and Wildlife Service to their respective national offices.

(c) SCS determinations of wetland status and any applicable exemptions granted under this part shall be delineated on a map of the farm or tract. Notification of the wetland determination, a copy of the wetland delineation and the SCS appeal procedures shall be provided to each person who completes a Form AD-1026. The wetland determination and wetland delineation shall be certified as final by the SCS official 45 days after providing the person notice, or if appeal is filed with SCS, after a final appeal decision is made by SCS.

(d) An on-site investigation of a wetland or converted wetland site will be made by SCS before any benefits are withheld and the person shall be provided an opportunity to appeal the on-site determination to SCS if the on-site determination differs from the original determination, or the person was not provided an opportunity to appeal the original determination. Such action by SCS shall be considered a

review of prior determinations and official certification of the delineation. A copy of the certified final determination and the wetland delineation shall be provided to ASCS, who will record the information on the official USDA farm map and on a public list. Wetland determinations made prior to November 28, 1990 shall be considered to be final and certified if they meet the criteria of § 12.31.

20. Section 12.31 is amended by revising the reference to "§ 12.2(a)(28)" in paragraph (b)(2) to read "§ 12.2(a)(29)", revising the reference to "§ 12.5(d)(1) (ii) and (iii)" in paragraphs (c) and (c)(2) to read "§ 12.5(b)(1)(iv) (A) and (B)", revising the reference to "§ 12.5(d)" in paragraph (d) to read "§ 12.5(b)(ii)" and "§ 12.5(b)" respectively, and adding a sentence at the end of paragraph (d) to read as follows:

**§ 12.31 Wetland identification criteria.**

\* \* \* \* \*

(d) \* \* \* In situations where the minimal effect determination is based on the restoration or other mitigation of lost wetland values in accordance with a restoration or mitigation plan and schedule approved by SCS in agreement with the U.S. Fish and Wildlife Service, as described in § 12.30(b), the exemption provided by the determination will be effective after approval of the plan and as set forth in the plan.

21. Section 12.33 is amended by revising the reference to "§ 12.5(d)(2)(v)" in paragraph (a) to read "§ 12.5(b)(1)(ii)", and adding a sentence at the end of paragraph (b) to read as follows:

**"§ 12.33 Use of wetland and converted wetland.**

\* \* \* \* \*

(b) \* \* \* Furthermore, the maintenance of any alteration or manipulation that affects the reach or flow of water made to a wetland that was cropped before December 23, 1985, would not cause a person to be determined to be ineligible under this part, provided that the maintenance does not exceed the scope and effect of the original alteration or manipulation, as determined by SCS, and provided that the area is not abandoned.

22. A new § 12.34 is added to read as follows:

**§ 12.34 Paperwork Reduction Act assigned number.**

The information collection requirements contained in this regulation (7 CFR part 12) have been approved by the Office of Management and Budget under provisions of 44 U.S.C.

chapter 35 and have been assigned OMB  
Number 0560-0004.

Signed this 15th day of February 1991 in  
Washington, DC.

**Clayton Yeutter,**

*Secretary of Agriculture.*

[FR Doc. 91-5187 Filed 3-1-91; 11:13 am]

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# Reader Aids

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