

## TRANSACTIONS GRANTED EARLY TERMINATION—Continued

[Between: 082294 and 090294]

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Bessemer Securities Corporation; Timothy G. Brodene; FEDCO Automotive Components Company, Inc	94-1952	08/26/94
Ajinomoto Co., Inc.; Tate & Lyle; Orsan Corporation	94-1955	08/26/94
WMX Technologies, Inc.; Santa Fe Pacific Corporation; Rail-Cycle L.P.	94-1974	08/26/94
Joseph Littlejohn & Levy Fund, L.P.; Tyco International Ltd.; Tyco International Ltd	94-1979	08/26/94
Tyco International Ltd.; Kendall International, Inc.; Kendall International, Inc	94-1981	08/26/94
Richard A. Gilleland; Tyco International Ltd.; Tyco International Ltd	94-1982	08/26/94
The Clayton & Dubilier Private Equity Fund IV, L.P.; Tyco International Ltd.; Tyco International Ltd	94-1983	08/26/94
Steelcase, Inc.; Ivan Allen Company; Ivan Allent Company	94-1985	08/26/94
ConAgra, Inc.; Larry Dinkin; MC Retail Foods	94-1997	08/26/94
Foster Wheeler Corporation; Enserch Corporation; Enserch Environmental Corporation	94-1998	08/26/94
K-III Communications Corporation; Whittle Communications L.P.; Whittle Communications L.P	94-2010	08/26/94
AmeriQuest Technologies, Inc.; Robec, Inc.; Robec, Inc	94-2016	08/26/94
Craig O. McCaw; Cook Inlet Region, Inc.; Cook Inlet Communications Corporation	94-2018	08/26/94
Cook Inlet Region, Inc.; Craig O. McCaw; LIN Television Corporation	94-2019	08/26/94
Host Marriott Corporation; Glendale Federal Bank, Federal Savings Bank; San Francisco Airport Marriott Hotel	94-2021	08/26/94
Integon Corporation; The Travelers Inc.; Bankers and Shippers Insurance Company ("Bankers")	94-1894	08/29/94
The Garfield Weston Charitable Foundation; Kooperativa forbundet; Karlshams USA, Inc	94-1914	08/29/94
ConAgra, Inc.; The SK Equity Fund, L.P.; Marie Callender Pie Shops, Inc	94-1994	08/29/94
Cygne Designs, Inc.; W. Glynn Manson; G.J.M. Manufacturing Ltd. (BVI)	94-2003	08/29/94
W. Glynn Manson; Cygne Designs, Inc.; Cygne Designs, Inc	94-2004	08/29/94
Nextel Communications, Inc.; MobileMedia Corporation; MobileMedia Communications, Inc	94-2025	08/29/94
Allen K. Breed; Hamlin, Incorporated; Hamlin, Incorporated	94-1916	08/30/94
Hitachi, Ltd.; NEWCO; NEWCO	94-1992	08/30/94
Texas Instruments Incorporated; NEWCO; NEWCO	94-1993	08/30/94
Nabors Industries, Inc.; Sundowner Offshore Services, Inc.; Sundowner Offshore Services, Inc	94-2026	08/30/94
Norwest Corporation; C.H. Robinson Company; CHR Equipment Financing, Inc	94-2038	08/30/94
First Financial Management Corporation; New Valley Corporation (debtor-in-possession); Western Union Financial Services, Inc	94-2036	09/01/94
Sulzer AG; Voith Sulzer Papiertechnik GmbH; Voith Sulzer Papiertechnik GmbH	94-1614	09/02/94
Familiengesellschaft Dr. HannsVoith GbR; Voith-Sulzer Papiertechnik GmbH; Voith-Sulzer Papiertechnik GmbH	94-1615	09/02/94
J.R. Hendrick, III; Joshua P. Darden, Jr.; Colonial Chevrolet Company, L.P	94-1900	09/02/94
Warburg, Pincus Investors, L.P.; Joshua P. Darden, Jr.; Colonial Chevrolet Company, L.P	94-1947	09/02/94

## FOR FURTHER INFORMATION CONTACT:

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

By Direction of the Commission.

**Benjamin I. Berman,**

*Acting Secretary.*

[FR Doc. 94-23875 Filed 9-26-94; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-837]

**General Railway Signal Co.; Prohibited  
Trade Practices and Affirmative  
Corrective Actions**

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

**SUMMARY:** This order reopens and  
modifies the Commission's 1964 order  
by terminating the order consistent with  
the Commission's new policy that the  
public interest requires setting aside  
orders in effect for more than twenty  
years.

**DATES:** Consent order issued September  
24, 1964. Modifying order issued  
August 29, 1994.

## FOR FURTHER INFORMATION CONTACT:

Daniel DuCore, FTC/S-2115,  
Washington, D.C. 20580. (202) 326-  
2526.

**SUPPLEMENTARY INFORMATION:** In the  
Matter of General Railway Signal Co.  
The prohibited trade practices and/or  
corrective actions as set forth at 29 FR  
14071, are deleted as indicated in the  
summary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret  
or apply sec. 5, 38 Stat. 719, as amended;  
Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

**Benjamin I. Berman,**

*Acting Secretary.*

[FR Doc. 94-23876 Filed 9-26-94; 8:45 am]

BILLING CODE 6750-01-M

[File No. 932 3135]

**Chemopharm Laboratory Inc., d/b/a CP  
Industries; 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, a Utah corporation  
that markets the ice melting product,  
Superior Sno-N-Ice, from making any  
environmental claim about any product  
unless it possesses and relies on  
competent and reliable scientific  
evidence to substantiate the claims. In  
addition, the respondent would be  
prohibited from misrepresenting the  
existence or contents of any test or  
study.

**DATES:** Comments must be received on  
or before November 28, 1994.

**ADDRESSES:** Comments should be  
directed to: FTC/Office of the Secretary,  
Room 159, 6th St. and Pa. Ave., N.W.,  
Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** C.  
Steven Baker, Chicago Regional Office,  
Federal Trade Commission, 55 East  
Monroe St., Suite 1437, Chicago, IL,  
60603. (312) 353-8156.

**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)).

#### Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Chemopharm Laboratory Inc., d/b/a CP Industries, a corporation ("proposed respondent"), and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated.

*It is hereby agreed by and between Chemopharm Laboratory Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:*

1. Proposed respondent Chemopharm Laboratory Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Utah with its principal office or place of business at 503 North 400 West, Salt Lake City, Utah 84103.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

- Any further procedural steps;
- 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 claims under the Equal Access to Justice Act.

4. 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 the draft of the complaint contemplated hereby, 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 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.

5. 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 attached draft complaint or that the facts as alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. 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 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 proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it might 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 in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the complaint and the order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing 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

##### Definitions

For purposes of this Order, the following definitions shall apply:

1. The term "product" means any product that is offered for sale, sold or distributed to the public by respondent,

its successors and assigns, under the "Superior Sno-N-Ice Melter" brand name or any other brand name of respondent, its successors and assigns; and also means any product sold or distributed to the public by third parties under private labeling agreements with respondent, its successors and assigns.

2. The term "competent and reliable scientific evidence" means tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant areas, that has been 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.

#### I

*It is ordered* that respondent, Chemopharm Laboratory Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

A. Such product is "environmentally safe," "protects the total environment," or otherwise offers any environmental benefit; or

B. Such product provides the environmental benefits of Calcium Magnesium Acetate, unless such representation is true and, at the time of making such representation, respondent possesses and relies upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

#### II

*It is further ordered* that respondent, Chemopharm Laboratory Inc., a corporation, its successors and assigns, and its offers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the existence, contents, validity, results,

conclusions, or interpretations of any test or study.

### III

*It is further ordered* that for five (5) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representations; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

### IV

*It is further ordered* that the respondent shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this Order.

### V

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

### VI

*It is further ordered* that respondent 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, subject to final approval, an agreement containing a consent order from Chemopharm Laboratory, Inc., d/b/a CP Industries, an Utah corporation ("CP Industries" or "respondent"). Upon this agreement, the respondent will cease and desist from claiming that any product is environmentally safe, protects the total environment,

otherwise offers any environmental benefit, or provides the environmental benefits of Calcium Magnesium Acetate ("CMA"), unless such representation is true and, at the time of making such representation, it possesses adequate substantiation. The proposed consent agreement also prohibits CP Industries from misrepresenting the results of any test or study.

The proposed consent order has been placed on the public record for sixty (60) days for receipt 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 and take other appropriate action or make final the proposed order contained in the agreement.

This matter concerns claims made for CP Industries' Superior Sno-N-Ice Melter product. The complaint accompanying the proposed consent order alleges, in part, that the respondent engaged in deceptive acts and practices in violation of Section 5 of the Federal Trade Commission Act. According to the complaint, the respondent represented that Superior Sno-N-Ice Melter does not harm or damage the environment; that Superior Sno-N-Ice Melter provides the environmental benefits of CMA; that scientific studies of CMA demonstrate that Superior Sno-N-Ice is beneficial to the environment; and that it had a reasonable basis for these claims. In fact, Superior Sno-N-Ice Melter contains about 95% sodium chloride (i.e., rock salt) which does harm or damage the environment. Therefore, Superior Sno-N-Ice does harm or damage the environment; Superior Sno-N-Ice Melter does not provide the environmental benefits of CMA; and scientific studies of CMA do not demonstrate that Superior Sno-N-Ice Melter is beneficial to the environment. The complaint therefore alleges that the claims are false and misleading and also alleges that CP Industries lacked a reasonable basis for making the claims.

The consent order contains provisions designed to prevent the respondents from engaging in similar allegedly illegal acts and practices in the future.

Paragraph I of the proposed consent order requires CP Industries to cease representing that any product is "environmentally safe," "protects the total environment," or otherwise offers any environmental benefit; or that any product provides the environmental benefits of CMA, unless such representation is true and substantiated.

Paragraph II of the order prohibits CP Industries from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test or study.

The remaining parts of the proposed consent order require the respondent to maintain materials relied upon to substantiate claims covered by the order, to distribute copies of the order to each of its operating divisions and to certain company officials, to notify the Commission of any changes in corporate structure that might affect compliance with the order, and to file one or more compliance reports.

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

**Benjamin I. Berman,**  
Acting Secretary.

[FR Doc. 94-23878 Filed 9-26-94; 8:45 am]  
BILLING CODE 6750-01-M

## GENERAL SERVICES ADMINISTRATION

[G-93-3]

### Delegation of Authority to the Secretary of Transportation; Correction

AGENCY: Federal Supply Service, GSA.  
ACTION: Correction to notice.

**SUMMARY:** This document contains corrections to notice document [G-93-3] which was published Wednesday, August 11, 1993 (58 FR 42732). The document, erroneously addressed to the Secretary of Transportation, is changed to read as follows:

### Delegation of Authority to the Secretary of the Treasury

Pursuant to the authority vested in the Administrator of General Services by section 3726 of title 31, United States Code, and redelegated to the Director, Office of Transportation Audits, Federal Supply Service, I have determined that it is both cost-effective and in the public interest to delegate authority to the Secretary of the Treasury; specifically, to the U.S. Customs Service, to conduct a prepayment audit of transportation bills relating to the movement of domestic and foreign household goods, motor, air and rail freight, air passenger, and water freight, subject to the provisions of the Federal Property Management Regulations, title 41, Code of Federal Regulations, subpart 101-41,

and amendments thereto. This prepayment audit will be conducted by the General Services Administration's (GSA's) contractors, at the contractors' sites, for the U.S. Customs Service, Indianapolis, Indiana.

The Secretary of the Treasury may redelegate this authority to any officer, official, or employee of the Department of the Treasury.

The Secretary of the Treasury shall notify GSA in writing of these additional delegations. This delegation is effective upon publication in the **Federal Register**.

Dated September 16, 1994

**Joseph J. Cosimano,**

*Director, Office of Transportation Audits*

[FR Doc. 94-23799 Filed 9-26-94, 8:45 am]

BILLING CODE 8820-24-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[CDC-508]

#### Cooperative Agreement With the Iowa Department of Public Health for Health Assessment of Persian Gulf War Veterans

##### Summary

The Centers for Disease Control and Prevention (CDC) announces the anticipated availability of fiscal year (FY) 1995 funds for a cooperative agreement with the Iowa Department of Public Health (IDPH) for Health Assessments of Persian Gulf War Veterans. Approximately \$1.50 million is expected to be available in FY 1995 to fund this project. It is expected that the award will begin on or about December 1, 1994, and will be made for a 12-month budget period within a project period of up to 2 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

The purpose of this cooperative agreement will be to conduct a pilot survey which will assess the past and present health status of Iowa residents who are Persian Gulf War veterans compared with other Iowa residents who are Persian Gulf War-era veterans, in terms of self-reported health outcomes. This assessment will serve as a model for potential future similar assessments undertaken by other Federal agencies, States, local governments, or universities. CDC will serve as the principal point of contact

with the Department of Defense and other Federal agencies to secure names and locating information for the study participants; provide expert review, comment and approval on all study protocols, data collection instruments, analysis plans, media releases, draft and final reports, and publications generated by the recipient and its contractors and ensures appropriate involvement of related Federal agencies and veteran services organizations.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (To order a copy of Healthy People 2000, see the section **WHERE TO OBTAIN ADDITIONAL INFORMATION.**)

##### Authority

This program is authorized under the Public Health Service Act, section 301 (42 U.S.C. 241).

##### Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

##### Eligible Applicants

Assistance will be provided only to IDPH for conducting this project. No other applications are solicited. The Program Announcement and application kit have been sent to IDPH.

IDPH is the most appropriate organization to conduct the work under this cooperative agreement for the following reasons:

1. IDPH among the States has taken aggressive and positive steps to address the health concerns among Iowa Gulf War veterans. It has already established vital links among Iowa veterans' groups and scientists to address these concerns and are therefore in the strongest position to carry out this effort rapidly and cost effectively.
2. IDPH has the statutory responsibility for protecting and enhancing the public health of the citizens of the State of Iowa. This includes assessing the impact of the Persian Gulf War experience on the health of Iowa residents who are Gulf War or Gulf War-era veterans.
3. IDPH has access to vital statistics and related State collected data which

will be essential components of the project.

4. IDPH has ongoing and established organizational relationships with other Iowa agencies and veterans' groups which will be involved in providing essential support for this project.

##### Executive Order 12372 Review

The application is subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. IDPH should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective application and receive any necessary instructions on the State process. If the SPOC has any State process recommendations on the application submitted to CDC, they should send them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Atlanta, GA 30305, no later than 60 days after the application due date. The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to "accommodate or explain" State process recommendations it receives after that date.

##### Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

##### Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283.

##### Other Requirements

###### A. Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

###### B. Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review

committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

#### Where to Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please refer to Announcement Number 508 and contact Lisa G. Tamaroff, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E-13, Atlanta, GA 30305, telephone (404) 842-6796.

A copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) referenced in the SUMMARY may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: September 20, 1994.

Deborah L. Jones,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94-23811 Filed 9-26-94; 8:45 am]

BILLING CODE 4163-18-P

#### Office of the Secretary

#### Health Care Financing Administration

#### Administration for Children and Families

[ORD-069-N]

#### Medicaid Program; Demonstration Proposals Pursuant to Section 1115(a) of the Social Security Act; Policies and Procedures

AGENCIES: Office of the Secretary, Health Care Financing Administration (HCFA), and Administration for Children and Families (ACF), HHS.

ACTION: Public Notice.

**SUMMARY:** This public notice informs interested parties of (1) the principles the Department of Health and Human Services ordinarily will consider when deciding whether to exercise its discretion to approve or disapprove demonstration projects under the authority in Section 1115(a) of the Social Security Act, 42 U.S.C. § 1315(a); (2) the kinds of procedures the Department would expect States to employ in involving the public in the development of proposed demonstration

projects under Section 1115; and (3) the procedures the Department ordinarily will follow in reviewing demonstration proposals. The principles and procedures described in this public notice are being provided for the information of interested parties, and are not legally binding on the Department of Health and Human Services. This notice does not create any right or benefit, substantive or procedural, enforceable at law or equity, by any person or entity, against the United States, its agencies or instrumentalities, the States, or any other person.

**FOR FURTHER INFORMATION CONTACT:** Howard Rolston, Administration for Children and Families, Department of Health and Human Services, at (202) 401-9220.

Thomas Kickham, Health Care Financing Administration, Department of Health and Human Services, at (410) 966-6503.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

#### *Demonstration Proposals Pursuant to Section 1115 of the Social Security Act—General Policies and Procedures*

Under Section 1115, the Department of Health and Human Services is given latitude, subject to the requirements of the Social Security Act, to consider and approve research and demonstration proposals with a broad range of policy objectives. The Department desires to facilitate the testing of new policy approaches to social problems. Such demonstrations can provide valuable knowledge that will help lead to improvements in achieving the purposes of the Act. The Department also is committed to both a thorough and an expeditious review of State requests to conduct such demonstrations.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. In order to ensure a sound, expeditious and open decision-making process, the Department will be guided by the policies and procedures described in this statement in accepting and reviewing proposals submitted pursuant to section 1115.

##### II. General Considerations

To facilitate the testing of new policy approaches to social problems the Department will—

- Work with States to develop research and demonstrations in areas consistent with the Department's policy goals;

- Consider proposals that test alternatives that diverge from that policy direction; and

- Consider, as a criterion for approval, a State's ability to implement the research or demonstration project.

While the Department expects to review and accept a range of proposals, it may disapprove or limit proposals on policy grounds or because the proposal creates potential constitutional problems or violations of civil rights laws or equal protection requirements. The Department seeks proposals which preserve and enhance beneficiary access to quality services. Within this overall policy framework, the Department is prepared to—

- Grant waivers to test the same or related policy innovations in multiple States, (replication is a valid mechanism by which the effectiveness of policy changes can be assessed);

- Approve demonstration projects ranging in scale from reasonably small to state-wide or multi-state, and

- Consider joint Medicare-Medicaid demonstrations, such as those granted in the Program for All-Inclusive Care for the Elderly (PACE) and Social Health Maintenance Organization (SHMO) demonstrations, and Aid to Families with Dependent Children (AFDC)-Medicaid waivers.

##### III. Duration

The complex range of policy issues, design methodologies, and unanticipated events inherent in any research or demonstration makes it very difficult to establish a single Department policy on the duration of 1115 waivers. However, the Department is committed, through negotiations with State applicants, to—

- Approve waivers of at least sufficient duration to give new policy approaches a fair test. The duration of waiver approval should be congruent with the magnitude and complexity of the project (for example, large-scale statewide reform programs will typically require waivers of five years);

- Provide reasonable time for the preparation of meaningful evaluation results prior to the conclusion of the demonstration; and

- Recognize that new approaches often involve considerable start-up time and allowance for implementation delays.

The Department is also committed, when successful demonstrations provide an appropriate basis, to working with State governments to seek permanent statutory changes incorporating those results. In such cases, consideration will be given to a

reasonable extension of existing waivers.

#### IV. Evaluation

As with the duration of waivers, the complex range of policy issues, design methodologies, and unanticipated events also makes it very difficult to establish a single Department policy on evaluation. This Department is committed to a policy of meaningful evaluations using a broad range of appropriate evaluation strategies (including true experimental, quasi-experimental, and qualitative designs) and will be flexible and project-specific in the application of evaluation techniques. This policy will be most evident with health care waivers. Within-site randomized design is the preferred approach for most AFDC waivers. The Department will consider alternative evaluation designs when such designs are methodologically comparable. The Department is also eager to ensure that the evaluation process be as unintrusive as possible to the beneficiaries in terms of implementing and operating the policy approach to be demonstrated, while ensuring that critical lessons are learned from the demonstration.

#### V. Cost Neutrality

The Department's fiduciary obligations in a period of extreme budgetary stringency require maintenance of the principle of cost neutrality, but the Department believes it should be possible to apply that principle flexibly.

- The Department will assess cost neutrality over the life of a demonstration project, not on a year-by-year basis, since many demonstrations involve making "up-front" investments in order to achieve out-year savings.

- The Department recognizes the difficulty of making appropriate baseline projections of Medicaid expenditures, and is open to development of a new methodology in that regard.

- In assessing budget neutrality, the Department will not rule out consideration of other cost neutral arrangements proposed by States.

- States may be required to conform, within a reasonable period of time, relevant aspects of their demonstrations to the terms of national health care reform legislation, including global budgeting requirements, and to the terms of national welfare reform legislation.

#### VI. Timeliness and Administrative Complexity

The Department is committed to minimizing the administrative burden on the States and to reducing the processing time for waiver requests. In order to accomplish this the Department has adopted a number of procedures, including—

- Expanding pre-application consultation with States;
- Setting, and sharing with applicants, a well-defined schedule for each application, with established target dates for processing and reaching a decision on the application;
- Maintaining, to the extent feasible, a policy of one consolidated request for further information;
- Sharing proposed terms and conditions with applicants before making final decisions;
- Establishing concurrent, rather than sequential, review of waivers by all relevant units of the Department and with other relevant Departments and the Office of Management and Budget;
- Expanding technical assistance activities to the States; and
- Developing multi-state waiver solicitations in areas of priority concern, including integrated long-term care system development, services for adolescents, and services in rural areas.

The Department will continue to follow and develop procedures, and commit internal resources to reviewing demonstration proposals, necessary for a sound and expeditious review process.

#### VII. State Notice Procedures

The Department recognizes that people who may be affected by a demonstration project have a legitimate interest in learning about proposed projects and having input into the decision-making process prior to the time a proposal is submitted to the Department. A process that facilitates public involvement and input promotes sound decision-making.

There are many ways that States can provide for such input. In order to allow for public input into the proposals, the Department expects States to ordinarily follow one (or more if the State desires) of the processes described in this section.

1. At any time prior to submitting a section 1115 demonstration proposal to the Department of Health and Human Services, a State may provide to the Department a written description of the process the State will use for receipt of public input into the proposal prior to its submission to the Department.

Within 15 days of receipt of such description, the Department will notify

the State whether the described process provides adequate opportunity for public input. The Department will accept any process that—

- Includes the holding of one or more public hearings, at which the most recent working proposal is described and made available to the public, and time is provided during which comments can be received; or
- Uses a commission or other similar process, where meetings are open to members of the public, in the development of the proposal; or
- Results from enactment of a proposal by the State legislature prior to submission of the demonstration proposal, where the outline of such proposal is contained in the legislative enactment; or
- Provides for formal notice and comment in accordance with the State's administrative procedure act; provided that such notice must be given at least 30 days prior to submission; or
- Includes notice of the intent to submit a demonstration proposal in newspapers of general circulation, and provides a mechanism for receiving a copy of the working proposal and an opportunity, which shall not be less than 30 days, to comment on the proposal; or,
- Includes any other similar process for public input that would afford an interested party the opportunity to learn about the contents of the proposal, and to comment on its contents.

The State shall include in the demonstration proposal it submits to the Department a statement (a narrative of several sentences) briefly describing the process that it followed in implementing the process previously presented to the Department. The Department may find a proposal incomplete if the process has not been followed.

2. A State that has not followed the procedures described in paragraph 1. must submit a description of the process that was used in the State to obtain public input, at the time it submits its demonstration proposal. The Department will notify the State if the process was adequate within 15 days after the application is submitted, applying the same criteria as in paragraph 1. If the process was not adequate, the State can cure the inadequacy by—

Posting a notice in the newspaper of widest circulation in each city with a population of 100,000 or more, or in the newspaper of widest circulation in the State if there is no city with a population of 100,000, indicating that a demonstration proposal has been submitted. Such notice shall describe

the major elements of the proposed demonstration and any changes in benefits, payments, eligibility, responsibilities, or provider selection requested in the proposal. The notice shall indicate how interested persons can obtain copies of the proposal and shall specify that written comments will be accepted by the State for a period of thirty days. If a State follows such a procedure, the State should respond to requests for copies of the proposal within seven days. The State should maintain a record of all comments received through this process.

All HHS commitments with respect to times for responding to demonstration proposals shall be tolled until this process is completed.

#### VIII. Federal Notice

The Department of Health and Human Services intends to publish a monthly notice in the *Federal Register* of all new and pending proposals submitted pursuant to section 1115. The notice will indicate that the Department accepts written comments regarding all demonstration project proposals.

The Department will maintain a list of organizations that have requested notice that a demonstration proposal has been received and will notify such organizations when a proposal is received.

#### IX. Comments

The Department will not approve or disapprove a proposal for at least 30 days after the proposal has been received, in order to receive and consider comments. The Department will attempt, if feasible, to acknowledge receipt of all comments, but the Department will not provide written responses to comments.

#### X. Findings

The Department will prepare a decision memorandum at the time a demonstration proposal is granted or denied, discussing why the Department granted or denied the proposal and how an approved demonstration meets the criteria established by statute.

#### XI. Administrative Record

The Department will maintain an administrative record which will generally consist of: the formal demonstration application from the State; issue papers sent to the State and State responses; public and Congressional comments sent to the Department and any Department responses; the Department's decision memorandum regarding the granting or denial of a proposal; and the final terms

and conditions, and waivers, sent to the State and the State acceptance of them.

#### XII. Sub-state Demonstrations

When a demonstration is to be implemented in only part of a State, the State will be required to provide information on the likely demographic composition of populations subject to and not subject to the demonstration in the State. When relevant, the Department will require that the evaluation component of a project address the impact of the project on particular subgroups of the population.

#### XIII. Implementation Reviews

As part of the terms and conditions of any demonstration proposal that is granted, the Department may require periodic evaluations of how the project is being implemented. The Department will review, and when appropriate investigate, documented complaints that a State is failing to comply with requirements specified in the terms and conditions and implementing waivers of any approved demonstration.

#### XIV. Legal Effect

This notice is intended to inform the public and the States regarding procedures the Department ordinarily will follow in exercising the Secretary's discretionary authority with respect to State demonstration proposals under section 1115. This notice does not create any right or benefit, substantive or procedural, enforceable at law or equity, by any person or entity, against the United States, its agencies or instrumentalities, the States, or any other person.

(Catalog of Federal Domestic Assistance Program, No. 93.779; Health Financing Research, Demonstrations and Experiments.)

Dated: September 16, 1994.

**Bruce C. Vladeck,**

Administrator, Health Care Financing Administration.

Dated: September 16, 1994.

**Mary Jo Bane,**

Assistant Secretary for Children and Families.

Dated: September 19, 1994.

**Donna E. Shalala,**

Secretary.

[FR Doc. 94-23960 Filed 9-26-94; 8:45 am]

BILLING CODE 4120-01-P

### DEPARTMENT OF THE INTERIOR

#### Outer Continental Shelf Advisory Board; Notice of Renewal/Revision

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (5

U.S.C. Appendix). Notice is hereby given that the Secretary of the Interior is renewing the Outer Continental Shelf (OCS) Advisory Board Charter and revising it to reflect the Minerals Management Service's royalty management mandate, and renaming it the Minerals Management Advisory Board.

The purpose of the OCS Advisory Board is to provide advice to the Secretary of the Interior and other officers of the Department in the performance of discretionary functions of the OCS Lands Act, as amended, including all aspects of leasing, exploration, development, and protection of the resources of the OCS. The charter is being revised to allow the Board to advise the Department on discretionary functions under the Federal Oil and Gas Royalty Management Act of 1982, the Geothermal Steam Act of 1970, the mineral leasing laws for coal and other solid mineral leases, as well as the OCS Lands Act.

Further information regarding the Committee may be obtained from the Chief, Office of Advisory Board Support, Minerals Management Service, Department of the Interior, 381 Elden Street, Herndon, Virginia 22070.

#### Certification

I hereby certify that the renewal and renaming/revision of the Outer Continental Shelf Advisory Board Charter is in the public interest in connection with the performance of duties imposed on the Department of the Interior by 43 U.S.C. 1331 *et seq.*, 30 U.S.C. 1701 *et seq.*, and 30 U.S.C. 1001 *et seq.*

Dated: September 9, 1994.

**Bruce Babbitt,**

Secretary of the Interior.

[FR Doc. 94-23803 Filed 9-26-94; 8:45 am]

BILLING CODE 4310-MR-M

#### Bureau of Land Management

[NV-930-4210-05; N-57459]

#### Notice of Realty Action: Non-Competitive Sale of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-Competitive Sale of Public Lands in Nye County, Nevada.

**SUMMARY:** The following described public land in Pahrump, Nye County, Nevada has been examined and found suitable for classification for sale utilizing non-competitive procedures, at not less than the fair market value.