

phenylpropanolamine (including drug products containing these chemicals); and (ii) uses or attempts to use the Postal Service or any private or commercial carrier shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation." Section 402 further requires that such reports shall include the name of the purchaser, the quantity and form of the chemical purchased, and the address to which the chemical was sent. The reporting requirement became effective on October 3, 1996, and applies to all transactions after that date.

While the term nonregulated person is not specifically defined, the term regulated person is defined as " * * * a person who manufactures, distributes, imports, or exports a listed chemical, a tableting machine, or an encapsulating machine or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine." See 21 U.S.C. 802(38). Any reference to a listed chemical in the statute includes a drug product containing any listed chemical, whether or not that drug product is exempt from any requirement under the law. A nonregulated person, therefore, is a person *who does not* manufacture, distribute, import, or export a product containing a listed chemical, or a tableting or encapsulating machine or who does not act as a broker or trader for an international transaction involving a product that contains a listed chemical or for a tableting or encapsulating machine.

Pending proposal and promulgation of final regulations establishing the specific procedures to be followed in making the reports, persons engaged in the distribution of ephedrine, pseudoephedrine, and phenylpropanolamine (including drug products containing those chemicals) to nonregulated persons by mail or private or commercial carrier are requested to satisfy the reporting requirement by submitting the reports by no later than the 15th day of the succeeding month to the Chemical Operations Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Attn: Section 402 Reports.

As established by the MCA, each report must contain the name of the purchaser, the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased, and the address to which the chemical was sent. While not required at this time, the date of each transaction, the trade name

and the lot number of the product distributed (where applicable) are requested.

As noted earlier, the reporting requirement applies only to distributions of ephedrine, pseudoephedrine, and phenylpropanolamine via the postal service or private or commercial carrier to *nonregulated* persons. A distributor does not have to report distributions to regulated persons. In this regard, it is critical that distributors take the appropriate steps to ascertain whether their customers are regulated or nonregulated persons. The failure of a distributor to report a transaction based on a customer's mere representation that they are a regulated person, without further inquiry to confirm that status, may be grounds for administrative, civil, or criminal action. Therefore, the distributor should take appropriate steps to confirm the customer's status as a regulated person. Steps may include verification of the customer's DEA registration status or, if they are not a registrant, inquiry as to whether they are in the business of redistributing the products ordered.

The above guidelines are intended to provide affected persons with a temporary means to ensure compliance with the reporting requirement set out in section 402 of the MCA, pending promulgation of final regulations, through notice and comment, regarding the reporting requirement. DEA will publish a notice of proposed rulemaking in the near future detailing the proposed amendments to the regulations in Title 21, Code of Federal Regulations, part 1310, to establish the specific reporting requirements to be followed.

Any questions regarding the reporting requirement set out in section 402 of the MCA should be directed to the Chemical Operations Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, telephone (202) 307-7204.

DEA is preparing the appropriate documentation regarding the new reporting requirement established by the MCA for submission to the Office of Management and Budget for review, pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C., Chapter 35.

Dated: January 30, 1997.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

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DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Review; Comment Request

February 4, 1997.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Theresa M. O'Malley ((202) 219-5096 ext. 143). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219-4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

- * Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- * Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- * Enhance the quality, utility, and clarity of the information to be collected; and

- * Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Mine Safety and Health Administration.

Title: Qualification and Certification Program.

OMB Number: 1219-0069, MSHA Form 50004- and 5000-7.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Form No.	Number of respondents	Average time per response (minutes)	Burden hours
5000-4 ..	633	21	221
5000-7 ..	37	19	12
Total	233

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: This information collection contains provisions whereby persons may be temporarily qualified or certified to perform certain duties at coal mines which are related to miner safety and health and which require specialized expertise.

Agency: Occupational Safety and Health Administration.

Title: Inorganic Arsenic (1910.1018).

OMB Number: 1218-0104.

Frequency: On occasion.

Affected Public: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 42.

Estimated Time Per Respondent: Ranges from 5 minutes to maintain records to 12 hours to update compliance programs.

Total Burden Hours: 9,060.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): \$1,316,218.

Description: The purpose of the inorganic arsenic standard and its information collection is to provide protection for employees against the health effects associated with occupational exposure to inorganic arsenic. This standard requires employers to monitor employee exposure, to provide medical surveillance and to maintain employee exposure monitoring and medical records. If exposure levels are above the Permissible Exposure Limits (PELs), then employers must establish and implement a written control plan to reduce exposures below the PELs. Employers are also required to notify OSHA area offices of regulated areas and changes to regulated areas.

Agency: Occupational Safety and Health Administration.

Title: Coke Oven Emissions (1910.1029).

OMB Number: 1218-0128.

Frequency: On occasion.

Affected Public: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 22.

Estimated Time Per Respondent: Ranges from 5 minutes to maintain records to 3 hours to update compliance programs.

Total Burden Hours: 96,379.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): \$2,012,684.

Description: The purpose of the coke oven emissions standards and its information collection to provide protection for employees against the health effects associated with occupational exposure to coke oven emission. This standard requires employers to monitor employee exposure, to provide medical surveillance and to maintain employee exposure monitoring and medical records. If exposure levels are above the Permissible Exposure Limits (PELs), the employers must establish and implement a written control plan to reduce exposures below the PELs. Employers are also required to notify OSHA area offices of regulated areas and changes to regulated areas.

Agency: Occupational Safety and Health Administration.

Title: 1,3 Butadiene (1910.1051), Final Rule.

OMB Number: 1218-0170.

Frequency: On occasion.

Affected Public: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 255.

Estimated Time Per Respondent: Ranges from 15 seconds to label a respirator filter element to 6 hours to develop a compliance program.

Total Burden Hours: 9,254.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): \$9,254.

Description: The purpose of the 1,3 butadiene standard and its information collection is designed to provide protection for employees from the adverse health effects associated with the occupational exposure to 1,3 butadiene. The standard requires employers to monitor employee exposure, to provide medical surveillance and to maintain employee exposure monitoring the medical records. If exposure levels are above the action level, employers must establish and implement a written Exposure Goal Program. If exposure levels are above the Permissible Exposure Limits (PELs), employers must establish and

implement a written compliance program.

Theresa M. O'Malley,

Departmental Clearance Officer.

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Employment and Training Administration

Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States: 1997 Adverse Effect Wage Rates and Allowable Charges for Agricultural and Logging Workers' Meals

AGENCY: U.S. Employment Service, Employment and Training Administration, Labor.

ACTION: Notice of adverse effect wage rates (AEWRs), allowable charges for meals, and maximum travel subsistence reimbursement for 1997.

SUMMARY: The Director, U.S. Employment Service, announces 1997 adverse effect wage rates (AEWRs) for employers seeking nonimmigrant alien (H-2A) workers for temporary or seasonal agricultural labor or services, the allowable charges employers seeking nonimmigrant alien workers for temporary or seasonal agricultural labor or services or logging work may levy upon their workers when they provide three meals per day, and the maximum travel subsistence reimbursement which a worker with receipts may claim in 1997.

AEWRs are the minimum wage rates which the Department of Labor has determined must be offered and paid to U.S. and alien workers by employers of nonimmigrant alien agricultural workers (H-2A visaholders). AEWRs are established to prevent the employment of these aliens from adversely affecting wages of similarly employed U.S. workers.

The Director also announces the new rates which covered agricultural and logging employers may charge their workers for three daily meals.

Under specified conditions, workers are entitled to reimbursement for travel subsistence expense. The minimum reimbursement is the charge for three daily meals as discussed above. The Director here announces the current maximum reimbursement for workers with receipts.

EFFECTIVE DATE: February 7, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. John R. Beverly, III, Director, U.S. Employment Service, U.S. Department of Labor, Room N-4700, 200