

Communicator enable autistic individuals to communicate through facilitated communication. The complaint also alleges that respondent lacked substantiation for these claims.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future.

Part I of the proposed order prohibits respondent from misrepresenting that any communication aid enable autistic individuals to communicate through facilitated communication.

As fencing-in relief, Part II of the proposed order provides that, if the respondent represents that a communication aid enables individuals with disabilities to communicate through facilitated communication, the representation must be true and respondent must possess competent and reliable scientific evidence that substantiates the representation. In addition, Part II of the proposed order prohibits respondent from representing the performance or attributes of a communication aid unless it possesses and relies upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, to substantiate the representation.

The proposed order also requires respondent to maintain materials relied upon to substantiate claims covered by the order; to provide a copy of the consent agreement to its employees involved in the preparation and placement of respondent's advertisements, or in communication with respondent's customers or prospective customers; to notify the Commission of any change in the corporate structure that might affect compliance with the order; and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed 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. 95-94 Filed 1-3-95; 8:45 am]

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[Dkt. C-3546]

Rite Aid Corporation; Prohibited Trade Practices, and Affirmative Correction Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Rite Aid, in conjunction with its acquisition of LaVerdiere's Enterprises, Inc., to divest the pharmacy assets either in its own Rite Aid stores, or in the LaVerdiere's stores it will acquire, in three specified cities, to a Commission-approved entity within 12 months of the order. If the divestitures are not accomplished within the time-frame, the Commission can appoint a trustee to accomplish them. In addition, the consent order requires the respondent, for a period of ten years, to obtain Commission approval before acquiring any assets or stocks in any entity engaged in the business of selling prescription drugs at retail outlets in the three designated cities.

DATES: Complaint and Order issued December 15, 1994.¹

FOR FURTHER INFORMATION CONTACT: Ann Malester or Catharine Moscatelli, FTC/S-2224, Washington, D.C. 20580. (202) 326-2682 or 326-2749.

SUPPLEMENTARY INFORMATION: On Monday, September 12, 1994, there was published in the **Federal Register**, 59 FR 46843, a proposed consent agreement with analysis In the Matter of Rite Aid Corporation, 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 order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

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¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Invention; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing in the U.S. (and in foreign markets) in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

A "Method And System For Measuring The Diffusion Tensor And For Diffusion Tensor Imaging" was developed by P.J. Basser and J.H. Mattiello of the National Center for Research Resources and D. LeBinah of the Warren Grant Magnuson Clinical Center. The National Institutes of Health is the assignee of patent rights to this technology, which are covered under U.S. Patent Application Number 08/103,009, filed August 6, 1993.

This application describes a new modality of nuclear magnetic resonance imaging. Specifically, this is a method and system for measuring the diffusion tensor and for generating images related to the diffusion tensor. Several advantages can be achieved with this method and system for measuring the effective diffusion tensor for spin-labeled nuclei. The diffusion tensor may be used for generating a diffusion ellipsoid for the measured region. Such techniques may be used for imaging fiber orientation in tissue. Measurements in diffusion tensor may also be used for aligning and calibrating the magnetic field gradients of the NMR apparatus itself.

ADDRESSES: Licensing information and copies of the U.S. patent application may be obtained by writing to J.E. Fahner-Vihtelic at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804 (telephone 301/496-7735 ext. 285; fax 301/402-0220). A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

Dated: December 20, 1994.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

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