

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

FACSIMILE: (202) 662-6201

PATRICIA A. BARALD

DIRECT DIAL NUMBER

(202) 662-5358

DIRECT FACSIMILE NUMBER

(202) 776-5358

November 8, 1999

LECONFIELD HOUSE

CURZON STREET

LONDON W1Y 8AS

ENGLAND

TELEPHONE: 44-01-405-5606

FACSIMILE: 44-01-405-3101

BRUSSELS OFFICE

KUNSTLAAN 44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE: 32-2-549-8236

FACSIMILE: 32-2-508-1598

Philip Huang, M.D.
Bureau Chief
Bureau of Disease And Injury Prevention
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Re: Multiplier Equation for Predicting "Average"
Smoke Nicotine Yields for Brand Families With
A National Market Share of Less Than 3%

Dear Dr. Huang:

The recent amendments to the Department's nicotine reporting regulations provide for the application of a multiplier equation to standard FTC nicotine values, as published in the Federal Register, in order to predict "average" smoke nicotine yields for cigarettes in brand families that have less than a three percent national market share. 25 TAC § 101.5.

Attached are the data pairs, consisting of an FTC nicotine yield value and an "average nicotine yield" value, determined on the basis of Massachusetts test data, used to derive the multiplier equation for use in reporting during the current period in both Massachusetts and Texas. The proposed equation is:

$$y = 0.1646 x^2 + 1.1778x + 0.5327$$

where x = the most recently reported FTC nicotine yield and y = the predicted "average nicotine yield." This equation has been provided to Massachusetts as well as to Texas.

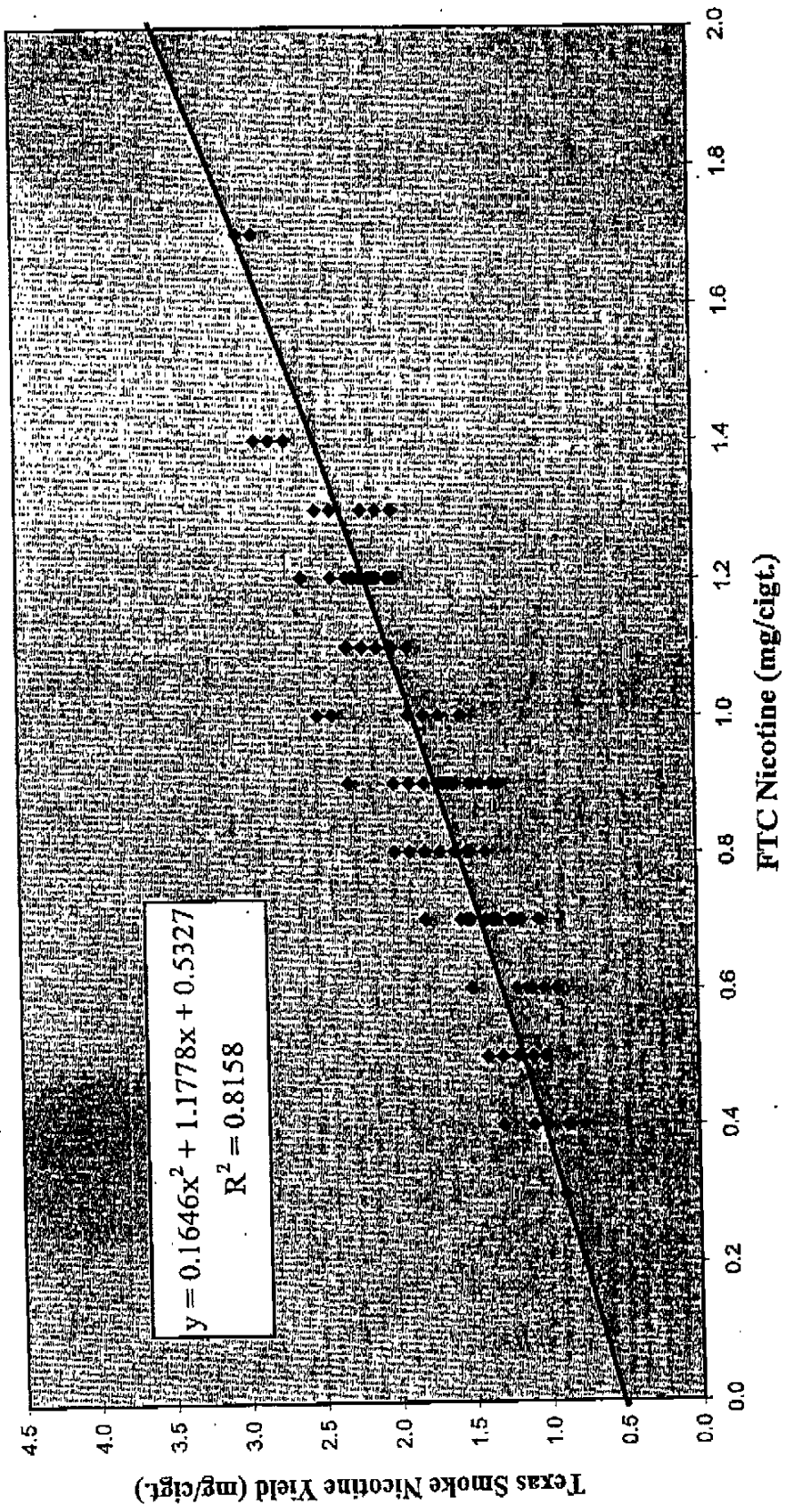
Assuming that the proposed amendments to the Texas regulations are finalized, the companies, in reporting "average nicotine yield" values for brands sold in Texas with a national market share under three percent, intend to use this equation.

Sincerely yours,

Patricia A. Barald

83295344

Comparison of Texas Smoke Nicotine Yields with FTC Smoke Nicotine Yields



83295345