

may be made under the Medicare program. In this regard it reflects the intent of the legislation as expressed in the Senate Finance Committee report accompanying Pub. L. 92-603.

15. Several comments suggested that the acquisition and development of actual charge data of calendar year 1971 may be difficult and costly. Nonetheless, the statute mandates the use of fiscal year 1973 prevailing charges, which are based upon calendar year 1971 actual charge data, as the bases for limiting increases in prevailing charges.

16. One comment was that the use of the terms "prevailing" and "reasonable" in the regulation implies that the Federal government is involved in fee setting. However, the regulation does not limit the amounts which physicians may charge for their professional services, but only the amounts payable under the Medicare program for such services to Medicare beneficiaries. The terms "prevailing" and "reasonable" are used in the original Medicare law itself.

All the comments have been carefully considered, including many which were received after the expiration of the comment period. With the changes noted above, the amendments as announced under the notice of proposed rulemaking are hereby adopted, and are set forth below.

These regulations will be effective July 1, 1975, since the economic index provision of section 224(a) of Pub. L. 92-603 was designed to apply to fiscal year periods. For the economic index provision to apply to the entire fiscal year 1976, it must be effective July 1, 1975. In addition, the carriers normally update their reasonable charge screens at the beginning of each fiscal year. Thus, the July 1, 1975, effective date of these regulations will also assure that the economic index provision will be applied when carriers' reasonable charge screens are updated for fiscal year 1976.

(Secs. 1102, 1833(a), 1842(b), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; 42 U.S.C. 1302, 1395(a), 1395u(b), and 1396bb.)

Effective date. These regulations will be effective July 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance.)

Dated: May 30, 1975.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: June 6, 1975.

CASPAR W. WEINBERGER,  
Secretary of Health,  
Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as set forth below:

1. Paragraph (a) of § 405.502 is revised to read as follows:

§ 405.502 Criteria for determining reasonable charges.

(a) Criteria. The law allows for flexibility in the determination of reasonable

charges to accommodate reimbursement to the various ways in which health services are rendered and charged for. The criteria for determining what charges are reasonable include:

(1) The customary charges for similar services generally made by the physician or other person furnishing such services.

(2) The prevailing charges in the locality for similar services.

(3) In the case of physicians' services, the prevailing charges for such services for fiscal year 1973 adjusted to reflect the cumulative economic index since calendar year 1971 but only if the charges so determined are not more than the prevailing charges determined under § 405.504(a)(2). The data used in determining the cumulative economic index should reflect changes in expenses of physicians' office practice and in general earnings levels.

(4) Other factors that may be found necessary and appropriate with respect to a specific item or service to use in judging whether the charge is inherently reasonable.

2. Paragraph (a) of § 405.504 is revised to read as follows:

§ 405.504 Determining prevailing charges.

(a) Range of charges. (1) In the case of claims received by carriers prior to January 1, 1971, the "prevailing charge" is derived from those charges which fall within the range of charges most frequently and most widely billed in a "locality" (see § 405.505) for a particular medical item or service. The top of this range establishes the prevailing charge which serves as an overall limitation on the charges which a carrier will accept as reasonable for a given medical item or service. (See § 405.506 for discussion of reasonable charges where there are unusual circumstances.) Prevailing charges are derived from the overall pattern existing within a locality. For example, if in a given locality the charges most frequently and widely used by physicians for a particular medical item or service range from \$150 to \$175, those charges would be applied in determining the prevailing charge for the locality. If in another locality the charges for that same item or service are different, then that different range of charges would be applied in determining the prevailing charge for that locality.

(2) With respect to claims received by carriers on and after January 1, 1971, no charge may be determined to be reasonable if it exceeds the higher of: (i) The prevailing charge limit that, on the basis of statistical data and methodology acceptable to the Secretary, would cover 75 percent of the customary charges made for similar services in the same locality during the calendar year preceding the start of the fiscal year in which the claim is submitted or the request for payment is made; or (ii) The prevailing charge limit for similar services in the same locality in effect on December 31, 1970, provided such prevailing charge limit had been found acceptable by the Secretary.

(3) (i) In the case of physicians' services, each prevailing charge level in each locality may not exceed the level determined for the fiscal year ending June 30, 1973 (without reference to the adjustments made pursuant to the economic stabilization program then in effect), except on the basis of appropriate economic index data which demonstrate that such higher prevailing charge level is justified by: (A) Changes in general earnings levels of workers that are attributable to factors other than increases in their productivity; and (B) changes in expenses of the kind incurred by physicians in office practice. The office-expense component and the earnings component of such index shall be given the relative weights shown in data on self-employed physicians' gross incomes.

EXAMPLE. The available data indicate the office-expense and earnings components of the index should be given relative weights of 40 percent and 60 percent, respectively, and it is calculated that the aggregate increase in expenses of practice for a particular calendar year was 3 percent over the expenses of practice for calendar year 1971 and the increase in earnings (less increases in workers' productivity) was 5 percent over the earnings for calendar year 1971. The allowable increase in any prevailing charge that could be recognized during the next fiscal year would be 4.2 percent  $((.40 \times 3) + (.60 \times 5) = 4.2)$  above the level recognized for fiscal year 1973.

(ii) If the increase in the prevailing charge in a locality for a particular medical item or service resulting from an aggregate increase in customary charges for that item or service does not exceed the index determined under paragraph (a)(3)(i) of this section, the increase is permitted and any portion of the allowable increase not used is carried forward and is a basis for justifying increases in that prevailing charge in the future. However, if the increase in the prevailing charge exceeds the allowable percentage of increase, the increase will be reduced to the allowable percentage. Future increases will be justified only to the degree that they do not exceed further rises in the economic index.

(iii) When, for any reason, a prevailing charge for a service in a locality has no precise counterpart in the carrier's charge data for calendar year 1971 (the data on which the prevailing charge calculations for fiscal year 1973 were based), the limit on the prevailing charge shall be estimated, on the basis of data and methodology acceptable to the Secretary, to seek to produce the effect intended by the economic index criterion. The allowance or reduction of an increase in a prevailing charge for any individual medical item or service may affect the allowance or reduction of an increase in the prevailing charges for other items or services where, for example, the limit on the prevailing charge is estimated as explained in the preceding sentence of this section, or where the prevailing charges for more than one item or service are established through the use of a relative value schedule and of dollar conversion factors.

[FR Doc.75-15480 Filed 6-13-75;8:45 am]

## Title 21—Food and Drugs

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

## PART 510—NEW ANIMAL DRUGS

## Sponsors of Approved Applications;

## Address

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (1), 82 Stat. 347 (21 U.S.C. 360b(1))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 510 (formerly Part 135 prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) is amended in § 510.600, paragraph (c) (1) and (c) (2) by changing the address of S. B. Penick & Co. to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

(c) \* \* \*  
(1) \* \* \*

Firm name and address:

Drug  
Listing  
No.

S. B. Penick & Co., 1050 Wall St.  
West, Lyndhurst, N.J. 07071.

000794

(2) \* \* \*

Drug Listing No.

Firm name and  
address

000794

S. B. Penick & Co.,  
1050 Wall St.  
West Lyndhurst,  
N.J. 07071.

Effective date. This order shall be effective June 16, 1975.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b (1)).)

Dated: June 10, 1975.

C. D. VAN HOUWELING,  
Director, Bureau of  
Veterinary Medicine.

[FR Doc. 75-15522 Filed 6-13-75; 8:45 am]

## Title 29—Labor

## CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

## FEDERAL AND STATE VARIANCES FROM IDENTICAL STANDARDS

## Coordination Procedures and Conditions

On December 17, 1974, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) issued a notice of a proposed rulemaking (39 FR 43635) to amend Chapter XVII of Title 29 of the Code of Federal Regulations, to revise Part 1905, Subpart A of Part 1952, and Part 1954 of that Chapter, regarding procedures and conditions for coordination of Federal and State variance actions with regard to occupational

safety and health standards in accordance with sections 6, 8, and 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651) (hereinafter called the Act).

At the same time, notice was issued of a proposed rule to amend § 50-204.1a of Subpart A of Part 50-204 of Title 41 of the Code of Federal Regulations to provide that variance actions taken under approved State provisions from State occupational safety and health standards, found to be at least as effective as the comparable Federal standards contained in Part 50-204 which are incorporated in Part 1910 of Title 29, will be deemed variance actions from the standard under both the Walsh-Healey Public Contracts Act (41 U.S.C. 35) and the Act.

The proposed rulemaking contained revisions and clarifications in response to diverse public comments received on an earlier proposal published in the FEDERAL REGISTER on April 3, 1974 (39 FR 12141).

Written comments on the revised proposal were received from the Industrial Union Department of the AFL-CIO; the States of New York, Michigan, and California; the American Petroleum Institute; and the Engraved Stationery Manufacturers Association, Inc. These comments reflected concern about the impact of a State variance under the proposed amendment to 41 CFR Part 50-204 and the applicability of a variance action taken in one State to other States (AFL-CIO); the precise meaning of standards that are "identical in substance and requirements" (New York, Michigan, California); the meaning of the employer certification that he has not previously applied for the variance on "the same set of facts" with regard to the same place of employment (New York, American Petroleum Institute); the requirement that employers applying for a Federal variance under the proposal must provide a comparison of the identical Federal and State standard (Michigan, Engraved Stationery Manufacturers Association, Inc.); the intent of the employer certification to require a clear statement of each covered workplace's conditions (Michigan); whether or not the proposal would apply to interim orders (Michigan). It was recommended that the proposal be amended to apply only to permanent variances (California) and provide opportunity to States to participate as parties in the Federal proceedings. One commenter (Engraved Stationery Manufacturers Association, Inc.) recommended that all variances be handled by the Federal Government with States agreeing to accept all variances to Federal standards as variances from State standards. One State questioned the reliance on Federal monitoring responsibilities under section 18(f) of the Act as a basis for Federal variance-granting in a State after the application of Federal standards has been withdrawn from the State under section 18(e) of the Act.

As pointed out in the preamble to the revised proposal (39 FR 43635), it is clear

from the legislative history of the Act that Congress intended the States to have variance-granting authority from State standards under their plans. Thus, all approved State plans must make provision for variances from State standards on the same basis and under procedural requirements as under the Federal program. In addition, the vast majority of States with approved plans are adopting standards identical to the comparable Federal standards. Even where "at least as effective as" State standards are adopted, there are areas where standards identical to the Federal have actually been adopted by the State. The proposal would make Federal variance machinery available to employers seeking a variance from a State standard identical to the Federal in more than one State with an approved plan or in at least one with such and in a State without an approved plan.

It cannot be stated too strongly that the effect of a particular variance action, under either State or Federal law, extends no further than the actual employment or place of employment covered in the employer's application upon which the particular action is taken. Utilization of Federal procedures under this rule would in no way operate to extend the scope of the action beyond the employment covered in the application. Under the amendment to Part 50-204 of Title 41, recognition of appropriate State variance actions for the purpose of Federal contractor compliance obligations would not extend the scope of the variance action beyond the particular employment or place of employment for which it was granted by the State in question. As pointed out in the preamble to the December 17, 1974, proposal (39 FR 43635), no particular variance action under State law in one State can be considered binding in another State, and it is not the intent or effect of this rule to give any basis for such use of variance actions.

With regard to difficulties found with the rule's definition of "identical" standards, or portions thereof, the rule applies only when State standards are identical to the comparable Federal standard. However, mere editorial, nonsubstantive variations from the Federal standard do not vary an employer's compliance obligations and do not negate the required identity. The term "identical in requirements and substance" was intended to cover this situation only, and not to make the Federal machinery available with respect to a State performance standard *vis-a-vis* a Federal specification standard, or vice versa. In addition, it is not the intent of the requirement in the rule that an employer certify that he has not previously filed for the same variance "on the same facts" to permit subsequent application with either the Federal or the State authority concerned upon slight technical alteration of the facts. It is the intent of the rule, however, to recognize that facts in a given workplace could change to such a material extent as to make denial or qualification of a previous variance application not dispositive with

respect to the changed condition of the workplace.

It is not considered that the obligation in the rule on an employer applying for a Federal variance with regard to employment in a State with an approved plan to provide a side-by-side comparison of the Federal and State standard concerned is unduly onerous. Under the law of the State, employers are obligated to know and comply with State standards. At the same time, where there are no approved State plans, employers are obligated to know and comply with Federal standards. The rule would greatly diminish burdens on multi-state employers by providing for consolidation of proceedings with respect to identical standards.

Although Federal standards and their enforcement no longer apply as an employer obligation where the Assistant Secretary has determined in accordance with section 18(e) of the Act that the Federal authority and standards should be withdrawn from a State, the State under an approved plan is obligated to continue to maintain standards "at least as effective as" the comparable Federal (29 CFR 1902.3(c)) and provide for variances from such standards "which correspond to variances authorized under the Act." Federal interpretations of employer compliance obligations with regard to Federal standards continue to be the measure against which these State obligations are evaluated under section 18(f) of the Act. Employers, under the rule, would be securing an interpretation with regard to their compliance obligations under a Federal standard identical to the State standard. Such an interpretation would be either in the nature of approval, or disapproval, of alternative means of compliance, i.e., permanent variances, or approval or disapproval of proposals for coming into compliance under the same conditions and procedures as provided under the State plan, i.e., temporary variances. With opportunity for full State and affected employee participation in interpretations taken with regard to employment under the State's jurisdiction, it appears that subsequent complaints and citations under State law for the approved divergence from the identical State standard would have scant foundation for prosecution and could result only in duplication of procedures. The regulation, therefore, would apply the principles of comity between interpretations under the Federal monitoring and evaluation function and State variance-granting functions where identical Federal and State standards exist in more than one State where at least one has an approved plan.

Such principles would not apply when the affected State and employees did not have the opportunity to participate in the Federal proceedings; they only apply to the employment or places of employment subject to the determination. It is recognized that situations giving rise to requests for temporary variances will often differ from workplace to workplace. Clear statements of these conditions in connection with the steps to be taken

to safeguard employees would be required, as in the case of any Federal variance application for temporary variances.

Pursuant to these considerations, and those given in the notice of proposed rulemaking of December 17, 1974 (39 FR 43635), the rule as proposed has been amended to make clear that it applies only in the case where Federal and State standards are identical, that it applies to interim orders, and to afford an opportunity to a State with an approved plan to participate as a party in the Federal proceedings with respect to applications affecting employment or places of employment within its jurisdiction.

The rule has been submitted for public notice and comment two times (39 FR 12141 and 39 FR 43635), and thoroughly commented upon on both occasions. Such comments on these procedural rules having been fully considered, further delay in their effective date would not be in the best interests of the Federal-State occupational safety and health program.

Accordingly, Parts 1905, 1952, and 1954 of Title 29 of the Code of Federal Regulations are hereby amended, effective June 16, 1975, as follows:

**PART 1905—RULES OF PRACTICE FOR VARIANCES, LIMITATIONS, VARIATIONS, TOLERANCES, AND EXEMPTIONS UNDER THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970**

1. Sections 1905.5, 1905.10, 1905.11, 1905.13, 1905.14, and 1905.15 are hereby amended as follows:

**§ 1905.5 [Amended]**

In § 1905.5, the words "or appropriate State review authority" are inserted after the words "Occupational Safety and Health Review Commission" and before the words "until the completion of such proceeding."

2. In § 1905.10, (b) (11) is revised as set forth below:

**§ 1905.10 Variances and other relief under section 6(b)(6)(A).**

(b) . . .

(11) Where the requested variance would be applicable to employment or places of employment in more than one State, including at least one State with a State plan approved under section 18 of the Act, and involves a standard, or portion thereof, identical to a State standard effective under such plan:

(i) A side-by-side comparison of the Federal standard, or portion thereof, involved with the State standard, or portion thereof, identical in substance and requirements;

(ii) A certification that the employer or employers have not filed for such variance on the same material facts for the same employment or place of employment with any State authority having jurisdiction under an approval plan over any employment or place of employment covered in the application; and

(iii) A statement as to whether, with an identification of, any citations for

violations of the State standard, or portion thereof, involved have been issued to the employer or employers by any of the State authorities enforcing the standard under a plan, and are pending.

In § 1905.11 (b) (8) is revised as set forth below:

**§ 1905.11 Variances and other relief under section 6(d).**

(b) . . .

(8) Where the requested variance would be applicable to employment or places of employment in more than one State, including at least one State with a State plan approved under section 18 of the Act, and involves a standard, or portion thereof, identical to a State standard effective under such plan:

(i) A side-by-side comparison of the Federal standard, or portion thereof, involved with the State standard, or portion thereof, identical in substance and requirements;

(ii) A certification that the employer or employers have not filed for such variance on the same material facts for the same employment or place of employment with any State authority having jurisdiction under an approved plan over any employment or place of employment covered in the application; and

(iii) A statement as to whether, with an identification of, any citations for violations of the State standard, or portion thereof, involved have been issued to the employer or employers by any of the State authorities enforcing the standard under a plan, and are pending.

4. In § 1905.13, paragraph(c) is revised as set forth below:

**§ 1905.13 Modification, revocation, and renewal of rules or orders.**

(c) *Multi-state variances.* Where a Federal variance has been granted with multi-state applicability, including applicability in a State operating under a State plan approved under section 18 of the Act, from a standard, or portion thereof, identical to a State standard, or portion thereof, without filing the information required in §§ 1905.10(b)(11) or 1905.11(b)(8) of this chapter, such variance shall likewise be deemed an authoritative interpretation of the employer(s)' compliance obligations with regard to the State standard, or portion thereof, upon filing the information required under §§ 1905.10(b)(11) or 1905.11(b)(8) of this chapter, provided no objections of substance are found to be interposed by the State authority under § 1905.14 of this chapter.

5. In § 1905.14 paragraph (b) (2) is revised; (b) (3) and (4) are added as set forth below:

**§ 1905.14 Action on applications.**

(b) . . .

(2) A notice of the filing of an application shall include: (i) the terms, or an

accurate summary, of the application; (ii) a reference to the section of the Act under which the application has been filed; (iii) an invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and (iv) information to affected employers, employees, and appropriate State authority having jurisdiction over employment or places of employment covered in the application of any right to request a hearing on the application.

(3) Where the requested variance, or any proposed modification or extension thereof, involves a Federal standard, or any portion thereof, identical to a State standard, or any portion thereof, as provided in §§ 1905.10(b)(11) and 1905.11(b)(8) of this chapter, the Assistant Secretary will promptly furnish a copy of the application to the appropriate State authority and provide an opportunity for comment, including the opportunity to participate as a party, on the application by such authority, which shall be taken into consideration in determining the merits of the proposed action.

(4) A copy of each final decision of the Assistant Secretary with respect to an application filed under §§ 1905.10, 1905.11, or 1905.13 shall be furnished, within 10 days of issuance, the State authorities having jurisdiction over the employment or place of employment covered in the application.

6. Section 1905.15(a) is revised as set forth below:

**§ 1905.15 Requests for hearings on applications.**

(a) *Request for hearing.* Within the time allowed by a notice of the filing of an application, any affected employer, employee, or appropriate State agency having jurisdiction over employment or places of employment covered in an application may file with the Assistant Secretary, in quadruplicate, a request for a hearing on the application.

**PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS**

2. A new § 1952.9 in Subpart A of Part 1952 is hereby added to read as follows:

**§ 1952.9 Variances affecting multi-state employers.**

(a) Where a State standard is identical to a Federal standard addressed to the same hazard, an employer or group of employers seeking a temporary or permanent variance from such standard, or portion thereof, to be applicable to employment or places of employment in more than one State, including at least one State with an approved plan, may elect to apply to the Assistant Secretary for such variance under the provisions of 29 CFR Part 1905, as amended.

(b) Actions taken by the Assistant Secretary with respect to such application for a variance, such as interim orders, with respect thereto, the granting,

denying, or issuing any modification or extension thereof, will be deemed prospectively an authoritative interpretation of the employer or employers' compliance obligations with regard to the State standard, or portion thereof, identical to the Federal standard, or portion thereof, affected by the action in the employment or places of employment covered by the application.

(c) Nothing herein shall affect the option of an employer or employers seeking a temporary or permanent variance with applicability to employment or places of employment in more than one State to apply for such variance either to the Assistant Secretary or the individual State agencies involved. However, the filing with, as well as granting, denial, modification, or revocation of a variance request or interim order by, either authority (Federal or State) shall preclude any further substantive consideration of such application on the same material facts for the same employment or place of employment by the other authority.

(d) Nothing herein shall affect either Federal or State authority and obligations to cite for noncompliance with standards in employment or places of employment where no interim order, variance, or modification or extension thereof, granted under State or Federal law applies, or to cite for noncompliance with such Federal or State variance action.

**PART 1954—PROCEDURES FOR THE EVALUATION AND MONITORING OF APPROVED STATE PLANS**

3. Section 1954.3 is amended by adding a new paragraph (d)(1)(i) and as adopted reads as follows:

**§ 1954.3 Exercise of Federal discretionary authority.**

(d)(1) \* \* \*

(i) Subject to pertinent findings of effectiveness under this part, Federal enforcement proceedings will not be initiated where an employer is in compliance with a State standard which has been found to be at least as effective as the comparable Federal standard, or with any temporary or permanent variance granted to such employer with regard to the employment or place of employment from such State standard, or any order or interim order in connection therewith, or any modification or extension thereof: *Provided* such variance action was taken under the terms and procedures required under § 1902.4(b)(2)(iv) of this chapter, and the employer has certified that he has not filed for such variance on the same set of facts with the Assistant Secretary.

(Secs. 6, 8, 18, 84 Stat. 1593, 1598, 1608 (29 U.S.C. 655, 657, 667))

Signed at Washington, D.C. this 6th day of June 1975.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 75-15540 Filed 6-13-75; 9:45 am]

**Title 41—Public Contracts and Property Management**

**CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION**

**Miscellaneous Amendments**

This change to the General Services Administration Procurement Regulations (GSPR) updates and amplifies various procurement procedures.

**PART 5A-1—GENERAL**

**Subpart 5A-1.1—Introduction**

Section 5A-1.105(c) is added as follows:

**§ 5A-1.105 Exclusions.**

(c) One copy of each locally issued procurement procedure shall be furnished to the General Services Administration, Federal Supply Service, (FSS) Washington, DC 20406.

**PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING**

The table of contents for Part 5A-2 is amended to delete § 5A-2.407-70 and add the following new entries:

**§ 5A-2.202-51 Attendance at bid openings.**

**§ 5A-2.407-2 Responsible bidder—reasonableness of price.**

**Subpart 5A-2.2—Solicitation of Bids**

Section 5A-2.202-51 is added as follows:

**§ 5A-2.202-51 Attendance at bid openings.**

The following cautionary notice shall be included in all Notices to Prospective Bidders, GSA Form 1602, or under Special Notices To Bidders in the solicitation.

**PERSONAL ATTENDANCE AT BID OPENING**

Bidders, especially those located outside the immediate bid opening area, are cautioned to verify the bid opening date and time with the person at the telephone number indicated in Block 9, page 1 of this solicitation, or with the GSA Business Service Center shown in Block 8, page 1 of this solicitation.

**Subpart 5A-2.3—Submission of Bids**

Section 5A-2.304(c) is added as follows:

**§ 5A-2.304 Modification or withdrawal of bids.**

(c) The following clause shall be included in all FSS solicitation.

**TELEGRAPHIC BIDS OR PROPOSALS, MODIFICATIONS, OR WITHDRAWALS OF BIDS OR PROPOSALS**

When telegraphic bids or proposals, telegraphic modifications, or telegraphic withdrawals of bids or proposals are authorized by the solicitation, the time of receipt by the solicitation, the time of receipt by the local GSA Communications Center shall be deemed to be the time of receipt at the office designated in the solicitation for receipt of offers or proposals. This clause shall not apply to any authorized telegraphic communication.