

placement, for budgeting, and for system evaluation and comparison.

(b) The collection system should be reviewed on a regular schedule to assure that environmentally adequate, economical, and efficient service is maintained.

(c) Solid waste collection systems should be operated in a manner designed to minimize fuel consumption, including, but not limited to, the following procedures.

(1) Collection vehicle routes should be designed to minimize driving distances and delays.

(2) Collection vehicles should receive regular tuneups, tires should be maintained at recommended pressures, and compaction equipment should be serviced regularly to achieve the most efficient compaction.

(3) Compactor trucks should be used to reduce the number of trips to the disposal site.

(4) When the distance or travel time from collection routes to disposal sites is great, transfer stations should be used when cost effective.

(5) Residential solid waste containers which are serviced manually should be placed at the curb or alley for collection.

(6) For commercial wastes which do not contain food wastes, storage capacity should be increased in lieu of more frequent collection.

#### APPENDIX—RECOMMENDED BIBLIOGRAPHY

1. American National Standard Z245.1. Safety standard for refuse collection equipment. New York, The American National Standards Institute.
2. Decision-Makers guide in solid waste management. Environmental Protection Publication SW-127. Washington, U.S. Government Printing Office, 1974.
3. Grunehoff, B. L., and K. A. Shuster. Paper and plastic solid waste sacks; a summary of available information; a Division of Technical Operations open-file report (TO 18.1.03.1). [Cincinnati], U.S. Environmental Protection Agency, 1971. 17 p. [Restricted distribution].
4. Hegdahl, T. A. Solid waste transfer stations; a state-of-the-art report on systems incorporating highway transportation. U.S. Environmental Protection Agency, 1972. 160 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 213 511).
5. National Sanitation Foundation standard no. 31 for polyethylene refuse bags. Ann Arbor, The National Sanitation Foundation, May 22, 1970. 6 p.
6. National Sanitation Foundation standard no. 32 for paper refuse sacks. Ann Arbor, The National Sanitation Foundation, Nov. 13, 1970. 6 p.
7. National Sanitation Foundation standard no. 13 for refuse compactors and compactor systems. Ann Arbor, The National Sanitation Foundation, March 1973. 12 p.
8. Operation responsible (a safety training manual for S.W. Collection): Safe refuse collection: instructor's manual with slides, training manual with slides, and 16 mm film. Available from the National Audiovisual Center, General Services Administration, Washington, D.C. 20409.
9. Ralph Stone and Company, Inc. The use of bags for solid waste storage and collection. Environmental Protection Publication SW-42d. U.S. Environmental Protection Agency, 1972. 264 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 212 590).

10. Shuster, K. A., and D. A. Schur. Heuristic routing for solid waste collection vehicles. Environmental Protection Publication SW-113. Washington, U.S. Government Printing Office, 1974. 45 p.

11. Shuster, K. (Office of Solid Waste Management Programs.) Analysis of fuel consumption for solid waste management. Unpublished data, January 1974.

12. U.S. Environmental Protection Agency. Pesticides and pesticides containers; regulations for acceptance and recommended procedures for disposal and storage. *Federal Register*, 39 (85): 15235-15241, May 1, 1974.

13. U.S. Environmental Protection Agency. Pesticides and pesticides containers; proposed regulations for prohibition of certain acts regarding disposal and storage. *Federal Register*, 39 (200): 36847-36950, October 15, 1974.

[FR Doc.76-4379 Filed 2-12-76;8:45 am]

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

##### CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

##### SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-48]

##### PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

##### Subpart 101-21.1—Building Operations, Maintenance, Protection, and Alterations

##### CHANGE OF FEDERAL BUILDING HUMIDITY CONTROL AND SUBMISSION OF FEDERAL ENERGY ADMINISTRATION ENERGY CONSERVATION REPORT; CORRECTION

The amendment to Part 101-20 of Subchapter D of Title 41 of the Code of Federal Regulations published in the *FEDERAL REGISTER* on November 6, 1974, at 39 FR 39266 is corrected as requested by the Federal Energy Administration to eliminate the prohibition of humidity control for the heating season and to change the reporting procedure and interagency report control number as follows:

##### § 101-20.116-3 Cooling and heating energy conservation policies and procedures.

(c) Humidity control shall not be provided for general office space during the cooling season. Requirements for humidity controls in special type space or certain geographic locations will be handled on an individual basis by the official responsible for operation and maintenance of the facility with the concurrence of the agency Energy Conservation Coordinator. Humidity controls may be provided during the heating season for general office space.

##### § 101-20.116-6 Reporting requirements.

(a) Each agency shall report the energy consumption in buildings and facilities under its control within 45 calendar days after the end of each quarter, as specified in the Federal Energy Administration Energy Conservation Performance Report, Form FEA U 502-0-0. Forms shall be mailed to the Federal Energy Administration, Mail Code 2898, Washington, DC 20461. In

addition, a copy of the report shall be sent simultaneously to the Administrator of General Services, Washington, DC 20405.

(b) This report has been cleared in accordance with FPMR 101-11.11 and assigned interagency report control number 1492-FEA-OU.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and Federal Management Circular 74-1)

*Effective date.* This regulation is effective on February 13, 1976.

Dated: February 4, 1976.

JACK ECKERD,  
Administrator of  
General Services.

[FR Doc.76-4223 Filed 2-12-76;8:45 am]

#### SUBCHAPTER E—SUPPLY AND PROCUREMENT [FPMR Amdt. E-179]

##### PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

##### Subpart 101-26.1—General

##### REQUEST FOR WAIVERS

This regulation advises agencies that requests for waivers to procure similar items from other than GSA supply sources are not acceptable when based on the cost of the item alone without other justification.

Section 101-26.100-2 is amended to read as follows:

##### § 101-26.100-2 Request for waivers.

When items or services provided by GSA stock or Federal Supply Schedule will not serve the required functional end-use purpose, requests to waive the requirement for use of GSA sources shall be submitted to GSA for consideration. Personal preference, subjective evaluations, or lower cost without other substantive considerations are not acceptable as sufficient justification for a waiver. Waivers are not required for items or services procured in accordance with policy set forth in § 101-26.100-1 relating to the acquisition of the lowest cost item from GSA sources.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

*Effective date.* This regulation is effective on February 13, 1976.

Dated: February 4, 1976.

JACK ECKERD,  
Administrator of General Services.  
[FR Doc.76-4307 Filed 2-12-76;8:45 am]

[FPMR Amdt. E-178]

##### PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

##### Federal Supply Schedule Contracts

This amendment provides executive agencies and other using activities with revised policy and procedures pertaining to mandatory and non-mandatory use of Federal Supply Schedule contracts.

The table of contents is amended to include revised and reserved entries as follows:



Sec.	
101-26.401-5	Non-mandatory use provisions.
101-26.402-2	Schedule features.
101-26.408-4	Placement of orders against multiple-award schedules.
101-26.409	[Reserved]
101-26.410	[Reserved]

**Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts**

1. Section 101-26.401(a) is revised to read as follows:

**§ 101-26.401 Applicability.**

(a) The general principles and methods prescribed in this Subpart 101-26.4 apply to all such procurements. Consequently, prior to initiating procurement directly from commercial sources, agencies shall determine whether the required commodities and services or similar commodities and services serving the required functional end-use purpose are available from a Federal Supply Schedule. Agencies shall not solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of seeking alternative sources to Federal Supply Schedules. Further, agencies shall not request formal or informal quotations from Federal Supply Schedule contractors for purposes of contract price comparisons.

2. Section 101-26.401-1 is revised to read as follows:

**§ 101-26.401-1 Mandatory use of schedules.**

Federal Supply Schedules are mandatory to the extent specified in each schedule. Newly developed schedules and certain other schedules may be mandatory to only one or to a small number of agencies as a primary source of supply.

3. Section 101-26.401-4 is amended to read as follows:

**§ 101-26.401-4 Exceptions to mandatory use.**

(a) *Urgent requirements.* These are individual bona fide delivery requirements of ordering activities for supplies or services which require shorter delivery times than those specified in the respective contracts. When the contract delivery time is longer than the urgent delivery requirements and the ordering activity determines that time permits, the contractor shall be requested by letter, telegram, or telephone (confirmed in writing) to state the best delivery time which can be met. The contractor shall reply to the inquiry within not more than 3 workdays after receipt, and by the same or a faster communications media than the one by which the inquiry was received. If the accelerated delivery time is acceptable to the ordering activity, any resultant orders shall be delivered within this shorter delivery time and in accordance with all other terms and conditions of the contract. When the contractor fails to reply or his best delivery time does not meet the agency requirements, use of the Federal Supply Schedule is non-mandatory.

(b) *Small requirements.* A dollar or quantitative minimum has been stipulated for most Federal Supply Schedules. Agencies are not obligated to order and contractors are not obligated to accept orders below the stipulated dollar and quantitative minimums. However, such orders may be placed by the agencies subject to acceptance by the contractor. Whenever the schedule states that the contractor will accept orders below the stipulated dollar or quantitative minimum, the contractor is obligated to accept such orders. The Ordering Instructions section of the applicable Federal Supply Schedule shall reflect this information.

(1) Federal Supply Schedules stipulate maximum dollar limitations above which agencies may not submit orders and contractors may not accept orders.

(2) Unless specified otherwise in the schedules, agencies required to use Federal Supply Schedules, including the Department of Defense (DOD) where the requirement falls within DOD-GSA Interagency Purchase Assignments, shall forward to the GSA support region MIL STRIP/FEDSTRIP requisitions for items included in the schedule which exceed the schedule's applicable maximum order limitations. Non-mandatory users of Federal Supply Schedules, including authorized non-appropriated funded activities and other activities for which GSA is authorized by law to procure, may, at their option, forward MIL STRIP/FEDSTRIP requisitions to the appropriate GSA support region.

(3) In accordance with § 101-26.106, agencies should consolidate their requirements to take advantage of price savings available through separate procurement of quantities exceeding the maximum order limitations. Agencies periodically consolidating requirements for one or more items included in a schedule at an agency headquarters office (national, regional, State, bureau, etc.) shall forward such requisitions to the GSA regional office serving the agency headquarters if the total requirement exceeds the maximum order limitation, unless specified otherwise in the schedule.

4. Section 101-26.401-5 is amended to read as follows:

**§ 101-26.401-5 Non-mandatory use provisions.**

(a) Each Federal Supply Schedule contains provisions whereby, in addition to the agencies included under the mandatory use provisions, all other agencies and activities of the Federal Government (including the legislative and judicial branches and other activities for which GSA is authorized by law to procure), may place orders under the schedule, and contractors may accept such orders. This includes those contractors who have been properly authorized, pursuant to FPR Subpart 1-5.9, to use the Federal Supply Schedules. (Also see § 101-26.407.) When a contractor accepts an order tendered under the nonmandatory use provision, whether by written notice, constructive delivery or performance, or fails to re-

turn the order within the specified time (usually 3 calendar days after receipt), all provisions of the contract will apply with respect to that order.

(b) Agencies not subject to the mandatory use provisions of Federal Supply Schedules are encouraged to use the schedule contracts as primary sources of supply, except where purchasing activities of these agencies have actual knowledge that the purchase can be made more advantageously to the Government from a source other than the Federal Supply Schedule, after allowing for the burdens and cost of a new procurement under applicable prescribed procedures. Purchasing activities shall not solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of comparing Federal Supply Schedule prices. Where a procurement from a source of supply other than a non-mandatory schedule indicates that such source may be more advantageous to the Government as a general source, the name and address of the supplier and details of the procurement action shall be forwarded to the GSA office issuing the schedule.

(c) When an executive agency determines that one or more non-mandatory schedules are suitable for use by the agency as mandatory sources of supply, the following action shall be taken:

**§ 101-26.402-2 Schedule features.**

(a) Federal Supply Schedules are published in catalog style and list under major commodity or service classifications the articles or services available from the contractors named therein. Some schedules involve the use of the contractors' catalogs and pricelists and specify the extent to which such catalogs and pricelists are applicable. Changes to schedules are furnished all agency offices receiving the basic schedule.

(b) Federal Supply Schedules specify that agencies of the Federal Government shall or may, as applicable, issue delivery orders direct to contractors listed in the schedule, receive the shipment, and make payment direct to the contractors without referring the transaction to GSA. The contracts provide for appropriate action in the event of delinquency or default on the part of the contractor. (See § 101-26.403-3.)

6. Section 101-26.402-3 is revised to read as follows:

**§ 101-26.402-3 Distribution.**

Agency offices desiring to receive current copies of Federal Supply Schedules and catalogs or to be placed on distribution lists for Federal Supply Schedules and catalogs shall execute GSA Form 457, FSS Publications Mailing List Application (illustrated at § 101-26.4902-457), and forward the completed GSA Form 457 to General Services Administration, Centralized Mailing List Services, Building 41, Denver Federal Center, Denver, CO 80225. Copies of GSA Form 457 may also be obtained from the above address.

7. Section 101-26.402-5(b) is revised to read as follows:



# **§ 101-26.402-5 Contract provisions.**

(b) Standard Form 32, General Provisions (Supply Contract) (illustrated at § 1-16.901-32 in the FPR), and GSA Form 1424, GSA Supplemental Provisions (illustrated at § 101-26.4902-1424), are incorporated by reference in Federal Supply Schedule contracts. GSA Form 2891, Standard Provisions—Federal Supply Schedules (to be illustrated in the FPMR at a later date, upon completion of its revision), is incorporated by reference in Federal Supply Schedules and summarizes certain contract provisions and provides ordering information. Special provisions pertinent to a particular schedule and any necessary exceptions to the general provisions are printed in the schedule.

8. Section 101-26.408-1(a) is revised to read as follows:

## **§ 101-26.408-1 Description.**

(a) Multiple-award Federal Supply Schedules cover contracts made with more than one supplier for comparable items at either the same or different prices for delivery to the same geographical area.

9. Section 101-26.408-4(a) is revised to read as follows:

## **§ 101-26.408-4 Placement of orders against multiple-award schedules.**

(a) The possibilities of selectivity among items listed in multiple-award Federal Supply Schedules do not relieve agencies of the responsibility to place orders at the lowest delivered price available (after application of the Buy American differential, when appropriate) unless there are factors for consideration which definitely justify the purchase at other than the lowest price. The responsibility exists whether the value of an order is more or less than the applicable open market limitation. When purchases are made at other than the lowest delivered price available under the applicable Federal Supply Schedule, the delivery order file or other appropriate file should contain a complete justification for the purchase. When an agency, pursuant to an agreement with GSA, submits a request for GSA to purchase an item under a Federal Supply Schedule which is other than the lowest priced item on the schedule, the request shall be accompanied by a complete justification to support the procurement. Justification for such purchases need not accompany requests from overseas activities for overseas deliveries. However, GSA will construe such requests to mean that the justification is in fact in the ordering installation's file.

10. Section 101-26.408-5 is revised to read as follows:

## **§ 101-26.408-5 Price reductions during contract period.**

Each Federal Supply Schedule contract involving multiple awards contains

a clause entitled "Price Reductions." In addition, Federal Supply Schedules contain an instruction to using agencies entitled "Notice of Purchase at Reduced Price," which provides that GSA contracting officers be notified of such reductions. Agencies shall issue appropriate implementing procedures to ensure that such notifications are promptly furnished to GSA contracting officers.

§ 101-26.409 [Reserved]

§ 101-26.410 [Reserved]

11. Sections 101-26.409 and 101-26.410 are deleted and reserved.

(Sec. 205(c), 63 Stat. 390, (40 U.S.C. 486 (c)))

*Effective date.* This regulation is effective on February 13, 1976.

Dated: January 30, 1976.

T. M. CHAMBERS,  
Acting Administrator,  
General Services Administration.

[FR Doc.76-4306 Filed 2-12-76;8:45 am]

## **Title 49—Transportation**

### **CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 69-19; Notice 11]

#### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

##### **Lamps, Reflective Devices, and Associated Equipment**

###### **Correction**

In FR Doc. 76-28, appearing at page 765 in the issue for Monday, January 5, 1976, the 12th line of the last full paragraph in the second column should read, "luminous area of stop lamps and".

## **Title 21—Food and Drugs**

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

[Docket No. 75N-0342]

#### **PART 8—COLOR ADDITIVES**

##### **PART 9—COLOR CERTIFICATION**

###### **Termination of Provisional Listing and Certification of FD&C Red No. 2; Change of Effective Date**

The Food and Drug Administration (FDA) is changing the effective date of its termination of the provisional listing and certification, hence the approval, of the color additive FD&C Red No. 2, to February 12, 1976.

The Commissioner of Food and Drugs, in a regulation published in the FEDERAL REGISTER of February 10, 1976 (41 FR 5823) amended Parts 8 and 9 (21 CFR Parts 8 and 9) to withdraw approval of FD&C Red No. 2, effective on publication.

The effective date is being changed to February 12, 1976, because the U.S. Court of Appeals for the District of Columbia Circuit temporarily stayed the effectiveness of the agency's action. In accordance with this revised effective

date, references (relating to cancellation of certificates) in the February 10 order to "January 28, 1976," are changed to read "February 11, 1976." Because of public confusion over the effective date caused by the Court's stay, the Food and Drug Administration will not take regulatory action if FD&C Red No. 2 was added to food, drugs, or cosmetics on or before February 13, 1976, on the mistaken assumption that the Court's stay was still in effect.

For the convenience of the reader, the amendments to Parts 8 and 9 are set forth below, with the revised effective dates.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 8 and 9 of Chapter I of Title 21 of the Code of Federal Regulations are amended as follows:

1. Part 8 is amended:

#### **§ 8.501 [Amended]**

a. In paragraph (a) of § 8.501 *Provisional lists of color additives* the entry for FD&C Red No. 2 is deleted.

b. In § 8.502, new paragraph (f) is added to read as follows:

#### **§ 8.502 Termination of provisional listings of color additives.**

(f) *FD&C Red No. 2.* The Commissioner of Food and Drugs, in order to protect the public health, hereby terminates the provisional listing of FD&C Red No. 2 for use in food, drugs, and cosmetics.

c. In § 8.510, new paragraph (j) is added to read as follows:

#### **§ 8.510 Cancellation of certificates.**

(j) (1) Certificates issued for FD&C Red No. 2 and all mixtures containing this color additive are cancelled and have no effect after February 11, 1976, and use of this color additive in the manufacture of food, drugs, or cosmetics after this date will result in adulteration.

(2) The Commissioner finds, on the basis of the scientific evidence before him, that no action has to be taken to remove from the market food, drugs, and cosmetics containing the color additive.

#### **§ 9.61 [Revoked]**

2. Part 9 is amended by revoking § 9.61 *FD&C Red No. 2.*

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d) (2) of Pub. L. 86-618 so provides.

*Effective date.* These regulations became effective February 12, 1976.

(Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: February 12, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-4544 Filed 2-12-76;11:34 am]



SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0273]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Food and Drug Administration is amending the food additive regulations in § 121.2520 *Adhesives* (21 CFR 121.2520) to provide for safe use of silicon dioxide as a component of food packaging adhesives; effective February 13, 1976; objections by March 15, 1976.

Notice was given by publication in the FEDERAL REGISTER of October 8, 1975 (40 FR 47165) that a petition (FAP 6B3130) had been filed by Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, MN 55101, proposing that § 121.2520 be amended to provide for safe use of silicon dioxide as a component of food packaging adhesives.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that

§ 121.2520 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520 is amended in paragraph (c)(5) by alphabetically adding a new item to the list of substances, to read as follows:

§ 121.2520 *Adhesives.*

- • • • •
- (c) • • • • •
- (5) • • • • •

COMPONENTS OF ADHESIVES

Substances	Limitations
• • • • •	• • • • •
Silicon dioxide as defined in Sec. 121.1058(a).	

Any person who will be adversely affected by the foregoing order may at any time on or before March 15, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will

be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective February 13, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: February 6, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-4287 Filed 2-12-76;8:45 am]