Rules and Regulations

Federal Register
Vol. 51, No. 47
Tuesday, March 11, 1986

DEPARTMENT OF ENERGY

10 CFR Part 216

Defense Priorities and Allocations System

AGENCY: Department of Energy.

ACTION: Final rule; technical amendment.

SUMMARY: The Department of Energy (DOE) is amending the regulation in accordance with the newly established Defense Priorities and Allocations System by the Department of Commerce (15 CFR Part 350).

EFFECTIVE DATE: March 11, 1986.

FOR FURTHER INFORMATION CONTACT:

Gilbert J. Breer, Property and Equipment Management Division (MA-422), Procurement and Assistance Management Directorate, Washington, DC 20585, (202) 252-4920
Elliot Winnick, Office of the AGC for Procurement and Financial Incentives, GC-43, Washington, DC 20585, (202) 252-1526

SUPPLEMENTARY INFORMATION: DOE finds that advance notice and comment, which are generally required by the Administrative Procedure Act, are unnecessary for this technical amendment. This finding is based on the fact that the changes are limited to procedural guidance and that the changes will not adversely affect the public or impose any additional burden on the public.

As a result, the following sections are affected: The "Authority," is revised by removing the outdated authority citation and inserting the new authority citation. Revise section 216.1, "Introduction," paragraph (a) by adding a new sentence between the fourth and last sentence; paragraph (c) is amended by removing "Defense Materials System ("DMS") and the Defense Priorities System ("DPS") established by the Department of Commerce.", and inserting in its place "Defense Priorities and Allocations System ("DPAS") regulation established by the Department of Commerce, 15 CFR Part 350." Section 216.2, "Definitions," paragraphs (e) and (h) are revised by removing the definitions for "BDC" and "FPA" and inserting in their places the definitions for "DOC" and "FEMA," respectively. Section 216.3, "Requests for assistance," paragraph (a), introductory text, is amended by revising the second sentence by removing the out-of-date mailing address for applications and inserting the correct mailing address; paragraph (a)(11) is amended by removing "DMS Regulation 1" and inserting in its place "the DPAS Regulation, Section 350.31(e)(2)"; paragraph (b) is amended by removing "BDC" and inserting in its place "DOC." Section 216.5 paragraphs (a) and (b) are amended by removing "BDC" and inserting in its place "DOC"; paragraph (b) is further amended by removing "DMS Regulation 1 and DPS Regulation 1" and inserting in its place "the DPAS Regulation,". Section 216.6, "Petition for reconsideration," is amended by removing "216.9" and inserting in its place "216.8." Section 216.7, "Conflict of priority orders," is amended by removing "BDC" and "FPA" and inserting in their places "DOC" and "FEMA," respectively. Section 216.8, "Communications," is amended by revising the address, communications are addressed to.

List of Subjects in 10 CFR Part 216

Energy, Maximize domestic energy supplies, Government contracts.

For reasons set out in the preamble, Chapter II to Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, DC, on March 5, 1986.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

PART 216—MATERIALS ALLOCATION AND PRIORITY PERFORMANCE UNDER CONTRACTS OR ORDERS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

1. The authority citation for Part 216 is revised to read as follows:

Authority: Section 104 of the Energy Policy and Conservation Act (EPCA) Pub. L. 94-163, 89 Stat. 871; and section 101(c) of the Defense Production Act of 1950 (DPA) (50 U.S.C. App. 2071(c)), as amended; section 7, E.O. 11912, April 13, 1976; Defense Mobilization Order No. 13, September 22, 1976; 44 CFR Part 330; Defense Priorities and Allocations System Delegation No. 2, 49 FR 30430.

2. In § 216.1, paragraph (a) is amended by adding a sentence between the fourth and last sentence, and by revising the last sentence of paragraph (c) to read as follows:

§ 216.1 Introduction.

(a) * * *Delegation No. 4 was superseded by Defense Priorities and Allocations System Delegation No. 2, effective date August 29, 1984, 49 FR 30430. * * *

* * * * *

(c) * * * If these additional two findings are made, the Department of Commerce will notify DOE, and DOE will inform the applicant that it has been granted the right to use priority ratings under the Defense Priorities and Allocations System ("DPAS") regulation established by the Department of Commerce, 15 CFR 350.

3. Section 216.2 is amended by revising paragraphs (e) and (h) to read as follows:

§ 216.2 Definitions.

* * * * *

(e) "DOC" means the Department of Commerce, acting through the Secretary or the delegate of the Secretary.

* * * * *

(h) "FEMA" means the Federal Emergency Management Agency.

* * * * *

4. Section 216.3 is amended by revising the second sentence of paragraph (a) introductory text; by revising paragraph (a)(11); and by revising paragraph (b) to read as follows:

§ 216.3 Requests for assistance.

(a) * * * The application should be sent to: Department of Energy, Procurement and Assistance Management Directorate, Attn: MA-422, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585. * * *

* * * * *

(11) Quarterly estimates of requirements for controlled materials, if applicable, by shapes and forms as prescribed by the DPAS regulation, § 350.31(e)(2).

(b) DOE, on consultation with the DOC, may prescribe standard forms of application or letters of instruction for use by all persons seeking assistance.

* * * * *

§ 216.5 [Amended]

5. Section 216.5 paragraphs (a) and (b) are amended by removing "BDC" and inserting in its place "DOC"; paragraph (b) is further amended by removing "DMS Regulation 1 and DPS Regulation 1," and inserting in its place "the DPAS Regulation,".

§ 216.6 [Amended]

6. Section 216.6 is amended by changing the reference "216.9" to read "216.8" in the third sentence.

§ 216.7 [Amended]

7. Section 216.7 is amended by removing "BDC" and inserting "DOC" in its place, and removing "FPA" and inserting in its place "FEMA."

8. Section 216.8 is amended by revising the DOE mailing address to read as follows:

§ 216.8 Communications.

* * * * *

Department of Energy, Procurement and Assistance Management Directorate, Attn: MA-422, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

[FR Doc. 86-5151 Filed 3-10-86; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9133]

Boise Cascade Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This Final Order requires a Boise, Idaho distributor of office products to cease accepting from any supplier a net price for office products that is lower than the price at which the supplier sells the products to other retailers with whom respondent competes. The Commission ruled that respondent violated the Robinson-Patman Act by knowingly receiving wholesaler discounts on goods it sold at retail in competition with other dealers.

DATES: Complaint issued April 23, 1980. Final Order issued Feb. 11, 1986.[1]

FOR FURTHER INFORMATION CONTACT: Harold E. Kirtz, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree St., Room 1000, Atlanta, GA 30367. (404) 347-4836.

SUPPLEMENTARY INFORMATION: In the Matter of Boise Cascade Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Discriminating In Price Under section 2, Clayton Act—Knowingly Inducing or Receiving Discriminating Price Under 2(f): § 13.855 Inducing and receiving discriminations. Subpart—Discrimination in Price Under Section 5, Federal Trade Commission Act: § 13.892 Knowingly inducing or receiving discriminating payments.

List of Subjects in 16 CFR Part 13

Office products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Before Federal Trade Commission

Final Order

Commissioners: Terry Calvani, Acting Chairman, Patricia P. Bailey, Mary L. Azcuenaga.

In the matter of Boise Cascade Corp., a corporation.

[Docket No. 9133]

This matter has been heard by the Commission upon the appeal of respondent from the Initial Decision, and upon briefs and oral argument in support of and in opposition to the appeal. For the reasons stated in the accompanying opinion, the Commission has determined to affirm the Initial Decision. Accordingly, the appeal of Boise Cascade Corporation is denied, and

It is ordered that the following order to cease and desist be, and the same hereby is, entered:

I

The following definitions shall apply in this order:

A. "Boise Cascade" shall mean Boise Cascade Corporation, its divisions and subsidiaries, its officers, directors, agents and employees, and its succesors and assigns.

B. "Office Products" shall mean furniture and supplies commonly used in offices such as those which are sold or distributed by Boise Cascade Corporation's Office Products Division.

C. "Net Price" shall take into account all discounts, rebates, allowances, deductions or other terms and conditions of sale.

II

It is further ordered that Boise Cascade shall, in connection with the offering to purchase or purchasing in commerce, as "commerce" is defined in the Clayton Act, of office products for resale, cease and desist from directly or indirectly inducing, receiving or accepting from any seller a net price that Boise Cascade knows or has reason to know is below the net price at which office products of like grade and quality are being offered or sold by such seller to other purchasers with whom Boise Cascade is competing in the resale or distribution of said office products to end-users.

III

It is further ordered that Boise Cascade shall, within sixty (60) days of the effective date of this order, distribute a copy of this order to each of its suppliers of office products.

IV

It is further ordered that Boise Cascade shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate structure of Boise Cascade, such as the creation or dissolution of subsidiaries or divisions, or any other change in the corporation, which may affect compliance obligations arising out of the order.

V

It is further ordered that Boise Cascade shall, within ninety (90) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner in which it has complied with this order and shall file such other reports as the Commission may from time to time require to assure compliance with the terms and conditions of this order.

Issued: February 11, 1986.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86-5226 Filed 3-10-86; 8:45 am]

BILLING CODE 6750-01-M

---

[1] Copies of the Complaint, Initial Decision and Opinion of the Commission are filed with the original documents.