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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1807, 1924, 1942, 1944 and 1980

Suspension and Debarment Proceedings

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations by removing the Suspension and Debarment Proceedings. This action is necessary since a new Governmentwide regulation, with USDA amendments published in the **Federal Register** on January 30, 1989 (54 FR 4722) as 7 CFR Part 3017 to implement Executive Order 12549, was adopted. The intended effect of this action is to remove Part 1924, Subpart E from the CFR and update cross references in the agency's regulation.

EFFECTIVE DATE: April 11, 1989.

FOR FURTHER INFORMATION CONTACT: David J. Howe, List Officer, Program Support Staff, Farmers Home Administration, USDA, room 6309, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250, Telephone (202) 382–9619.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal agency management, making publication for comment unnecessary.

Intergovernmental Consultation

This activity relates to the following programs that are listed in the Catalog of Federal Domestic Assistance and are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation (7 CFR 3015, Subpart V, 48 FR 29112, June 24, 1983):

10.405 Farm Labor Housing Loans and Grants
10.409 Irrigation and Drainage Loans
10.411 Rural Housing Site Loans (section 523 and 524 Site Loans)
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans (SW Loans)
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.420 Rural Self-Help Housing Technical Assistance (section 523 Technical Assistance)
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.427 Rural Rental Assistance Payments (Rental Assistance)
10.428 Economic Emergency Loans
10.429 Guaranteed Housing
10.433 Housing Preservation Grants
10.434 Nonprofit Corporations
10.436 Technical Assistance and Training Grants

This activity is related to the following exempt programs which are excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR 3015, Subpart V, 48 FR 29115, June 24, 1983):

10.404 Emergency Loans
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.410 Low Income Housing Loans (section 502 Rural Housing Loans)
10.417 Very Low-Income Housing Repair Loans and Grants (section 504 Rural Housing Loans and Grants)
10.421 Indian Tribes and Tribal Corporation Loans
10.435 Agricultural Loan Mediation Program

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, Environmental Program. It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Background

Current FmHA Regulations (7 CFR Part 1924, Subpart E) provide policies and procedures and delegates the authority for suspension and debarment of persons, particularly contractors, not fulfilling their agreements with FmHA borrowers. Executive Order 12549 initiated a Governmentwide (nonprocurement) debarment and suspension regulation (and list) which was adopted with some amendments by USDA as 7 CFR Part 3017 and published as a final rule in the **Federal Register** on January 30, 1989 (54 FR 4721–4733) with the drug-free workplace portion on January 31, 1989 (54 FR 4945–4952). FmHA is implementing Part 3017 as Exhibit A of FmHA Instruction 1940–M.

List of Subjects in 7 CFR Parts 1807, 1924, 1942, 1944 and 1980

Loan programs—Agriculture, Loan Programs—Housing and community development, Mortgages, Agriculture, Energy conservation, Housing, Low and moderate income housing, Government contracts, Suspension and debarment procedures, Claims, Construction complaints, Construction defects, Construction and repair.

Therefore, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended as follows:

PARTS 1807 AND 1924—[AMENDED]

1. The authority citations for Parts 1807 and 1924 continue to read as follows:

Part 1807

Authority: Secs. 307, 339, 75 Stat. 308, 318, secs. 502, 510, 63 Stat. 433, as amended, 437 sec. 4, 64 Stat. 100; 7 U.S.C. 1927, 1989, 42 U.S.C. 1472, 1480, 40 U.S.C. 442; Orders of Sec. of Agr., 19 FR 74, 26 FR 8403, 27 FR 5005, 9957.

Part 1924

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70 unless otherwise noted.

§§ 1807.1, 1924.12 and 1924.263 [Amended]

2. 7 CFR Chapter XVIII is amended by changing the words from "Subpart E of Part 1924 of this chapter" to read "Subpart M of Part 1940 (available in any FmHA office)" in the following places:

(a) Part 1807, § 1807.1(e).
(b) Part 1924, Subpart A, § 1924.12(c).
(c) Part 1924, Subpart F, § 1924.263.

PART 1924—CONSTRUCTION AND REPAIR

Subpart E—Suspension and Debarment Proceedings

§§ 1924.201 through 1924.220 [Removed and Reserved]

3. Subpart E of Part 1924, consisting of §§ 1924.201 through 1924.220 is removed and reserved.

Subpart F—Complaints and Compensation for Construction Defects

§ 1924.256 [Amended]

4. Section 1924.256(g)(3)(ii) is amended in the last sentence by changing the reference "Subpart E of this Part" to read "Subpart M of Part 1940 (available in any FmHA office)".

5. Section 1924.256(i) is amended in the first sentence by changing the reference "FmHA Instruction 1924–E" to read "Subpart M of Part 1940 (available in any FmHA office)".

PART 1942—ASSOCIATIONS

6. The authority citation for Part 1942 continues to read as follows:

Authority: 7 U.S.C. 1989; 16 U.S.C. 1005; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70, unless otherwise noted.

Subpart A—Community Facility Loans

§ 1942.18 [Amended]

7. Section 1942.18(j)(8) is amended by removing the following words from the end of the last sentence: "by FmHA under Part 1924 Subpart E of this chapter".

PART 1944—HOUSING

8. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

9. Exhibit F of Subpart A is amended by revising paragraph X(a)(8) to read as follows:

Exhibit F—Supplemental Requirements for Making Section 502 RH Loans for Manufactured Homes

* * * * *

(X) * * *
(a) * * *

(8) Maintain a complaint file on each dealer-contractor to establish a basis for limiting future business with that dealer-contractor, if necessary. In cases of serious or continuous noncompliance, refer to Subpart M of Part 1940 (available in any FmHA office) for possible debarment action.

* * * * *

PART 1980—GENERAL

10. The authority citation for Part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—General

§ 1980.13 [Amended]

11. Section 1980.13(b)(5) is amended by removing "See Part 1924, Subpart E of this chapter" and adding in its place "See Subpart M of Part 1940 (available in any FmHA office)".

Dated: March 29, 1989.

Neal Sox Johnson,

(Acting) Administrator, Farmers Home Administration.

[FR Doc. 89-8496 Filed 4-10-89; 8:45 am]

BILLING CODE 3410-07-M

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7 CFR Parts 1930 and 1944

Section 515 Rural Rental Housing Loan Policies, Procedure, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations for Section 515 Rural Rental Housing Loan Policies, Procedures, and Authorizations. This action is necessary to comply with the Housing and Community Development Act of 1987. The intended effect of this action is to permit the initial operating reserve to be in the form of an irrevocable letter of credit and to permit packaging fees to be part of development cost for nonprofit applicants.

EFFECTIVE DATE: May 11, 1989.

FOR FURTHER INFORMATION CONTACT: Rebecca Johnson, Senior Loan Officer, Multi-Family Housing Processing Division, USDA, Farmers Home Administration, Room 5331, South Agriculture Building, Washington, DC 20250, telephone 202-382-1608.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined "nonmajor." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

Neal Sox Johnson, Acting Administrator, Farmers Home Administration, has determined that this action will not have a significant impact on a substantial number of small entities because the revisions provide clarification of existing regulations and the annual volume of the program is expected to continue to decline. FmHA anticipates funding approximately 850 applications nationwide.

Environmental Impact Statement

This document has been reviewed according to 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the action does not constitute a major Federal action significantly affecting the quality of the human environment and according to the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Intergovernmental Review

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.415 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983.)

Discussion of Final Rule

A proposed rule was published in the Federal Register (53 FR 40430) on October 17, 1988. The proposed rule provided for a 60-day comment period. The comment period ended December 16, 1988. Fourteen comments were received from field offices who administer the regulation and the general public.

A. Summary of the major comments received and actions taken follows

Use of the Letter of Credit

Two respondents felt that the letter of credit concept should be abandoned because borrowers will be reluctant to draw on the letter of credit for initial operating capital. Experience has shown that borrowers would place the 2 percent requirement for initial operating capital in a 6-month CD and allow accounts to become delinquent if rent-up was not timely. Response: Legislative authority has established that the Secretary may require that the initial operation reserve be in the form of an irrevocable letter of credit. No change from proposed rule is warranted.

B. Cash Requirement for Initial Operating Capital

Four respondents commented that the Agency should establish a threshold for the amount of actual cash deposit when a letter of credit is to be used. Response: The Agency agrees with the concept that the initial operating capital typically be provided in both cash and a letter of credit. A modification was made to indicate, if the applicant elects to use only the letter of credit, they will need to indicate how start-up costs will be paid.

C. Return of Initial Operating Capital at the end of 60 months

Two comments concerned the status of any outstanding letter of credit at the end of the borrower's five full fiscal years of operation. Response: The Agency reviewed the comment and it is felt the General Operating Account portion clearly covers this issue.

D. Definitions

Two respondents recommended that a definition be included for Letter of Credit. *Response:* The Agency will include a definition for Letter of Credit in the final rule.

One respondent recommended the definition for Initial Operating Capital be expanded to include the word "delinquent" before taxes and insurance. *Response:* The Agency believes the current definition regarding uses of the initial operating capital account is sufficient. One respondent recommended that the letter of credit be renewed at least 30 days in advance of this expiration date, and if not, that a cash equivalent be placed in the operating account no later than 7 days prior to the expiration of the letter of credit. *Response:* The Agency feels the language in Exhibit B of Subpart C of Part 1930 clearly covers this issue.

E. Eligibility Requirements

Four respondents recommended the Letter of Credit have a two-year expiration. Another respondent recommended that the letter of credit be to the favor of Farmers Home Administration. *Response:* The Letter of Credit is a commercial banking instrument and can be tailored to meet the needs of FmHA procedures. A guide letter regarding the development of a letter of credit is available in each FmHA field office.

F. Limitations on Use of Loan Funds

The Agency has determined that the cost of obtaining a letter of credit cannot be paid out as loan proceeds.

G. Actions Subsequent to Loan Approval

If letter of credit is to be used, it must be presented and retained at the District Office.

Loan Purposes

Two respondents questioned whether or not packaging fees would be provided above or within the appraisal. *Response:* Packaging fees are part of development cost and FmHA can loan to public bodies and nonprofit organizations 102% of development cost or the appraised value whichever is the lesser. The criteria is governed by the authorizing legislation.

Two respondents asked for a definition of "qualified assistance." Another respondent wanted to know if the applicant entity acting as its own packager could receive a fee. *Response:* The Agency agrees that clarification is required and language is revised.

Two respondents recommended the Agency establish a fee rate per loan for packaging. *Response:* The Agency will revise the language to give guidance.

For loans obligated prior to the effective date of this regulation revision, the Letter of Credit provisions are applicable if the loan has not been closed or construction has not started, insomuch as the percent O & M funds have not already been deposited. All other provisions are effective as otherwise herein indicated.

List of Subjects

7 CFR Part 1930

Accounting, Administrative practice and procedure, Grant Programs-Housing and community development, Loan programs-Housing and community development, Low and moderate housing-Rental, reporting requirements.

7 CFR Part 1944

Administrative practice and procedure, Aged, handicapped loan programs-Housing and community development, Low and moderate income housing-Rental, Mortgages, Nonprofit organizations, Rent subsidies, and Rural housing.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1930—GENERAL

1. The authority citation for Part 1930 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

2. Exhibit B of Subpart C of Part 1930 is amended by revising the introductory text of paragraph XIIIB.2.a.(1) to read as follows:

Exhibit B of Subpart C—Multiple Housing Management Handbook

* * * * *

XIII Accounting and Reporting Requirements and Financial Management Analysis

* * * * *

B. * * *

2. * * *

a. * * *

(1) *Initial Operating Capital.* The initial operating capital may be in the form of cash, an irrevocable letter of credit, or in a combination of the two as set forth in § 1944.211(a)(6) of Subpart E of Part 1944 of this chapter. The borrower will have deposited any initial operating cash into this temporary bookkeeping account by the time of the FmHA loan closing or when interim financing funds are obtained, whichever occurs first. The initial operating cash will be deposited in the General Operating Account. Any letters of credit will be supplied by the time of the FmHA loan closing or when interim financing funds are obtained, whichever occurs first. The original letter of credit will be maintained in the District Office casefile. The letter of credit must be renewed prior to its expiration date so that a current letter of credit is always in effect. If a borrower does not renew the letter of credit they will be required to deposit an equivalent amount of cash into the General Operating Account before the letter of credit expires. If a borrower supplied all or part of the initial operating capital in the form of a letter of credit and the borrower makes cash deposits into the General Operating Account for operating purposes the borrower can provide the District Office with a new letter of credit in a smaller amount with evidence of the cash deposit. The new letter of credit and the cash deposit must total the required initial operating capital. The old letter of credit will be returned to the borrower. After two, but before five full borrower fiscal years of

operation, the FmHA State Director may authorize the borrower to make a one-time withdrawal of the initial operating capital, or a part of it. The withdrawal can be in the form of cash, release or reduction in the letter of credit, or a combination of both. The total withdrawal can never exceed the initial operating capital as described in the loan agreement or loan resolution. The withdrawal can be approved provided that:

* * * * *

3. Exhibit B-3 of Subpart C of Part 1930 is amended by revising the introductory text of paragraph V.A. to read as follows:

Exhibit B-3 of Subpart C—Management Agreement for FmHA Multiple Family Housing Projects

* * * * *

V Project Accounts

A. General Operating Account. This account records all project income and disbursements. Excess project cash held in this account may be combined with other project funds described below in temporary (immediate call) interest bearing accounts when separate bookkeeping records are maintained for individual project accounts. This will usually be a checking account which must be maintained in a financial institution insured by the Federal Government. The Owner will have deposited any cash portion of the required initial operating capital into this account by the time of loan closing or when interim funds were obtained, whichever occurs first. The initial operating cash will be recorded in the General Operating Account. After two, but before five full borrower fiscal years of operation, the FmHA State Director may authorize the owner to make a one-time withdrawal of the initial operating capital, or a part of it. The withdrawal can be in the form of cash, release or reduction in the letter of credit, or combination of both. The total withdrawal can never exceed the initial operating capital as described in the loan agreement or loan resolution. The withdrawal can be approved provided that: The loan was closed on or after October 27, 1980; the loan agreement or resolution signed by the borrower is Form FmHA 1944-33 "Loan Agreement", 1944-34 "Loan Agreement", or 1944-35 "Loan Resolution"; the project has achieved at least a 95% occupancy level at the time of the withdrawal request; the withdrawal will not affect the financial integrity of the project; the owner must demonstrate that all prudent maintenance is being planned and performed and payment of necessary project expenses are not being deferred; the State Director determines that the withdrawal will not necessitate a rent increase during the year of withdrawal or during the next operation year; and the State Director has reviewed and approved any required borrower reports before the initial operating capital is withdrawn.

* * * * *

PART 1944—HOUSING

4. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

5. Section 1944.205 is amended by redesignating paragraphs (o) through (ee) as (q) through (gg) and by adding new paragraphs (o) and (p) to read as follows:

§ 1944.205 Definitions.

* * * * *

(o) *Initial operating capital.* Cash or a pledge, in the form of an irrevocable letter of credit, to provide cash to pay for costs such as property and liability insurance premiums, fidelity bond premiums if an organization, utility hookup deposits, maintenance equipment, movable furnishings and equipment, printing lease forms and other initial operating expenses. The initial operating capital will be at least 2 percent of the total development cost of the project.

(p) *Irrevocable Letter of Credit.* Is a commercial banking instrument used as an unencumbered and standby liquid asset in lieu of cash.

* * * * *

6. Section 1944.211 is amended by revising paragraph (a)(6) to read as follows:

§ 1944.211 Eligibility requirements.

(a) * * *

(6) Have or be able to obtain the initial operating capital and other assets needed for a sound loan. RRH loans made to nonprofit organizations and to State or local public agencies may include up to 2 percent of the development cost for initial operating expenses.

(i) If initial operating expenses are expected to be greater than 2 percent of the development cost, the initial operating capital will be increased accordingly.

(ii) Initial operating capital can be provided both in cash and in the form of an irrevocable letter of credit or a combination of both. If all operating capital is to be provided by a letter of credit, the applicant must indicate how start-up costs will be paid. It is expected, however, that most applicants will select a combination of cash and a letter of credit.

(A) Funds provided in cash will be deposited into the general operating account in accordance with the provisions of the loan agreement or loan resolution prior to the start of construction or loan closing (whichever is first) and will be used for authorized purposes only.

(B) If provided as an irrevocable letter of credit it must:

(*1*) Be unconditional;

(*2*) Be from a Federally Insured Financial Entity and show the Issuing Bank's name, document control number, issuance and expiration date;

(*3*) Be addressed to the project owner/entity and specifically refer to the proposed project;

(*4*) Be for a term of at least one year, contain an automatic renewal clause, and require a minimum of 30 days notice of expiration if the issuing bank elects not to renew the Letter of Credit;

(*5*) Be free of any deposit and/or reserve restrictions and may not be secured by the FmHA financed project;

(*6*) Be provided prior to the start of construction or when interim financing of funds are obtained or loan closing (whichever occurs first);

(*7*) Contain the statement "This Letter of Credit is issued to *Name of Entity* in the interest of the *Name of Project, Location—Street, City, State,* for satisfaction of Initial Operating Capital required in a loan agreement with the Farmers Home Administration."

(C) If provided as a combination:

(*1*) The cash and letter of credit, added together, must equal the required initial operating capital;

(*2*) They must be provided prior to the start of construction or loan closing (whichever is first);

(*3*) The cash portion will be handled according to paragraph (a)(6)(ii)(A) of this section and the letter of credit must meet all requirements of paragraph (a)(6)(ii)(B) of this section.

(iii) When the applicant is to provide other movable equipment and furnishings, the initial capital will be increased sufficiently to cover the cost of these items.

(iv) If the borrower provided the initial 2-percent operating capital from its own funds, the State Director may authorize the borrower to make a one-time withdrawal from project funds after two, but before five 5 full borrower fiscal years of operation, in accordance with Subpart C of Part 1930 of this chapter.

* * * * *

7. Section 1944.212 is amended by revising paragraph (j) to read as follows:

§ 1944.212 Loan purposes.

* * * * *

(j) Provide loan funds to enable a nonprofit group or public body to pay fees, for technical assistance received from a nonprofit organization, with housing and/or community development experience, to assist it in the formation or incorporation and development and packaging of its loan docket and project, as well as any legal, technical, and professional fees incurred in the formation or incorporation of the applicant entity.

(1) Fees can also be provided to pay the nonprofit applicant entity for packaging of its loan docket and project, but not to include the formation and incorporation of the entity.

(2) The amount to be paid for packaging of the loan docket and project should not exceed 1% of the FmHA loan or whatever is reasonable and typical for the area.

(3) Related project costs as listed in § 1944.222 of this subpart are not included as a part of the fee for packaging of the loan docket and project.

* * * * *

8. Section 1944.213 is amended by adding paragraph (b)(12) to read as follows:

§ 1944.213 Limitations.

* * * * *

(b) * * *

(12) Payment of fees charged by a commercial banking institution for granting a letter of credit.

* * * * *

9. Section 1944.235 is amended by revising paragraph (a)(3) to read as follows:

§ 1944.235 Actions subsequent to loan approval.

(a) * * *

(3) Unless initial operating capital is included in the loan, the applicant will furnish evidence that the initial operating capital is in place. If cash is being used, evidence of a deposit to the general operating account will be provided. If an irrevocable letter of credit is being used, the original Letter of Credit must be presented and maintained in the District Office with the casefile.

* * * * *

§ 1944.237 [Amended]

10. In § 1944.237, paragraph (c)(2) is amended by adding the following sentence at the end of the paragraph: "The 2 percent O and M amount can be in the form of cash or an irrevocable letter of credit as described in § 1944.211 (a)(6) of this subpart."

Exhibit A–6 of Subpart E [Amended]

11. In Exhibit A–6 of Subpart E, the introductory text of paragraph I.A. is amended by adding the following sentence at the end of the paragraph: "The initial operating capital requirement may be fulfilled by contributing cash or by providing an irrevocable letter of credit."

Dated March 16, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89–8495 Filed 4–10–89; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Dkt. 9189]

Detroit Auto Dealers Association, Inc., et al.; Prohibited Trade Practices and Affirmative Correct Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This final order requires, among other things, the Detroit, Mich.-area automobile dealerships to remain open a minimum of 64 hours a week for one year and to post conspicuously their hours of operation. The order prohibits all of the respondents from conspiring in any way to fix hours of operation, and requires the associations to amend their bylaws, rules, and regulations to eliminate any provision inconsistent with any provision of this order.

DATES: Complaint issued December 20, 1984. Final order issued February 22, 1989.[1]

FOR FURTHER INFORMATION CONTACT: Dennis Johnson, FTC/S–2105, Washington, DC 20580. (202) 326–2712.

SUPPLEMENTARY INFORMATION: In the Matter of Detroit Auto Dealers Association, Inc., et al. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing And Intimidating: § 13.345 Competitors; § 13.367 Members. Subpart—Combining Or Conspiring: § 13.384 Combining Or Conspiring; § 13.388 To control allocation and solicitation of customers; § 13.395 To control marketing practices and conditions; § 13.475 To restrict competition in buying. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–45(k) Records, in general; § 13.533–50 Maintain means of communication; § 13.533–60 Release of general, specific,or contractual constrictions requirements, or restraints. Subpart—Cutting Off Access To Customers Or Market; § 13.560 Interfering with distributive outlets. Subpart—Cutting Off Supplies Or Service: § 13.610 Cutting off supplies or service; § 13.625 Organizing and controlling supply sources.

[1] Copies of the Complaint, Initial Decision, and Opinion of the Commission are available from the Commission's Public Reference Branch, H–130, 6th and Pa. Ave., NW., Washington, DC 20580.

List of Subjects in 16 CFR Part 13

Auto dealers, Motor vehicles, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Commissioners: Daniel Oliver, Chairman, Terry Calvani, Mary L. Azcuenaga, Andrew J. Strenio, Jr., Margot E. Machol.

Final Order

This matter has been heard by the Commission upon the appeal of complaint counsel 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 reverse the initial decision and enter the following order. Accordingly,

It is ordered, That for purposes of this Order, the following definitions shall apply:

1. "Person" means any natural person, corporation, partnership, association, joint venture, trust, or other organization or entity, but not governmental entities.

2. "Dealer" means any person who receives on consignment or purchases motor vehicles for sale or lease to the public, and any director, officer, employee, representative or agent of any such person.

3. "Dealer association" means any trade, civic, service, or social association whose membership is composed primarily of dealers.

4. "Detroit area" means the Detroit, Michigan metropolitan area, comprising Macomb County, Wayne County and Oakland County in the State of Michigan.

5. "Hours of operation" means the times during which a dealer is open for business to sell or lease motor vehicles.

6. "Weekday hours" means the hours of 9:00 a.m. to 6:00 p.m. Monday through Friday.

7. "Non-weekday hours" means hours other than 9:00 a.m. to 6:00 p.m. Monday through Friday.

8. "Dealership and Individual Respondent" means any corporation listed in Addendum A to the order, including its officers, directors, representatives, agents, divisions,