

shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: September 5, 1975.

Released: September 12, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25124 Filed 9-10-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

DISCLOSURE OF CLOSING COSTS

Notice of Proposed Rulemaking

SEPTEMBER 16, 1975.

On October 28, 1974, Congress enacted Public Law 93-495 containing several amendments to the Truth in Lending Act. Section 409 of Public Law 93-495 provides for the disclosure of "closing costs" to be incurred by the customer in consumer credit transactions. The Board of Governors is today publishing for public comment certain amendments to Regulation Z designed to implement section 409.

Section 226.8(r), the section proposed to require disclosure of closing costs, applies only to real property transactions, i.e., transactions in which a security interest in real property is or will be retained or acquired by the creditor. The Board believes that this limitation is appropriate at this time because in other types of transactions closing costs are generally either not present at all or are minimal in amount and not subject to change among creditors. The Board, however, specifically invites comments on the restriction of the section to real property transactions.

The term "closing cost" is defined to include any charge or fee, other than downpayment, which is paid in cash by the customer at or prior to closing. "Closing" is defined as the date "bargained for consideration" is exchanged between the parties to the transaction.

Section 226.8(r) also excludes any transaction subject to the Real Estate Settlement Procedures Act and the regulations adopted thereunder by the Department of Housing and Urban Development, since disclosure of closing costs is already required in such transactions.

The disclosure of closing costs is required to be made, in connection with real property credit sales, prior to the making of any downpayment. With respect to other transactions, disclosure is required at the time a lender commitment is given. Commitment is defined to mean an oral or written creditor agreement to enter into a specific transaction, whether or not such agreement is conditioned or binding on the customer.

With respect to the way in which disclosures are made, the Board proposes

to adhere to its general policy of not specifying forms but allowing creditors to design their own forms subject only to Regulation Z's requirements as to clarity and sequence. Disclosure would be permitted on a separate form, or could be given with the other Truth in Lending disclosures if they are given at the time disclosure of closing costs would otherwise be required.

Where disclosures are required to be made but exact information is not known, estimates may be used under the provisions of § 226.6(f).

The proposed regulations include five new definitions to be included in § 226.2. Since the Board is currently adding several other definitions in this section, the paragraph letters have been left blank at this time.

Should the Board adopt the proposed amendment after considering the comments received on it, an effective date would be set far enough in advance to allow for the orderly change of forms where necessary.

Pursuant to the authority granted in 15 U.S.C. 1604 (1970), the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

1. Section 226.2 would be amended by adding the following definitions:

§ 226.2 Definitions and rules of construction.

"Closing" means the date on which the bargained for consideration is exchanged between the parties to any transaction, irrespective of when the transaction is consummated.

"Closing cost" means any fee, charge or other expense, other than a downpayment, paid in cash by the customer, or on the customer's behalf, at, or prior to, a closing, as a condition to the transaction, whether or not such fee, charge or expense constitutes a finance charge.

"Commitment" means an agreement, whether or not in writing, by a creditor to enter into a specified consumer credit transaction with a customer, whether or not such agreement is subject to any conditions and whether or not such agreement is binding upon the customer.

"Downpayment" means a payment made at or prior to consummation of a transaction which is or will be applied wholly to the cash price of property or services purchased.

"RESPA" means the Real Estate Settlement Procedures Act of 1974 together with the regulations promulgated thereunder by the Secretary of Housing and Urban Development.

2. Section 226.8(a) would be revised and paragraph (r) added as follows:

§ 226.8 Credit other than open end—specific disclosures.

(a) *General rule.* Any creditor when extending credit other than open end credit shall, in accordance with § 226.6 and to the extent applicable, make the disclosures required by this section with respect to any transaction consummated on or after July 1, 1969. Except as other-

wise provided in this section, such disclosures shall be made before the transaction is consummated. At the time disclosures are made, the creditor shall furnish the customer with a duplicate of the instrument or a statement by which the required disclosures are made and on which the creditor is identified. Except as provided in paragraph (r) of this section, all of the disclosures shall be made together on either:

(1) The note or other instrument evidencing the obligation on the same side of the page and above the place for the customer's signature; or

(2) One side of a separate statement which identifies the transaction.

(r) *Disclosure of closing costs.* The creditor in any real property transaction subject to this section shall disclose to the customer all closing costs to be paid by the customer in connection with such transaction in accordance with the following provisions:

(1) The disclosure required by this paragraph shall include the total amount of closing costs using the term "closing costs" and, where there is more than one component cost, a description of each. Such disclosures shall be made:

(i) On one side of a separate statement, or

(ii) Together with the other disclosures required by this section, in which case the disclosures required by this paragraph shall, if required to be itemized, either be listed separately, or to the extent that they are itemized elsewhere on such disclosure statement, referenced as being a closing cost by use of an asterisk or other appropriate means.

(2) In the case of any credit sale, the disclosures required by this paragraph shall be made prior to the making of any downpayment.

(3) In the case of any extension of credit other than a credit sale, the disclosures required by this paragraph shall be made at the time the creditor makes a commitment in connection with that transaction.

(4) Notwithstanding the provisions of § 226.8(r) (2) and (3), the disclosures required by this paragraph shall be made before the transaction is consummated.

(5) This paragraph does not apply to any transaction to which the disclosure requirements of RESPA are applicable.

3. This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

Interested persons are invited to submit relevant data, views, or arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 15, 1975. Such material will be made available for inspection and copying upon request, except as provided in

§ 261.6(a) of the Board's Rules regarding availability of information.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.
[FR Doc.75-25187 Filed 9-19-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 71]
[Docket No. PRM-71-1]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Filing of Petition for Rule Making

Notice is hereby given that the Energy Research and Development Administration has filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's regulation "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," 10 CFR Part 71.

The petitioner requests the Commission to initiate a rule making action to amend §§ 71.7 and 71.10 of 10 CFR Part 71 to exempt from the requirements of Part 71 "low specific activity material" as defined in § 71.4(g).

The petitioner states that the Department of Transportation Hazardous Ma-

terials Regulations, 49 CFR 170-169, provide a specific exemption for low specific activity material in which these materials are exempted from the normal Type A and Type B packaging requirements and that this exemption is consistent with both the 1967 regulations of the International Atomic Energy Agency, and the 1972 revised edition of the IAEA regulations.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before November 21, 1975.

Dated at Washington, D.C. this 16th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25208 Filed 9-19-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 106]
[Notice 1975-45]

DOCUMENT FILING

Notice of Status of Proposed Rulemaking

On August 6, 1975, the Federal Election Commission published in the FEDERAL REGISTER (40 FR 33169) a Notice of Proposed Rulemaking concerning the place where Statements of Organization and Reports of Receipts and Expenditures should be filed by Federal candidates and political committees. Interested parties were given the opportunity to submit written comments by September 5, 1975.

No substantive written comments have been received since the date of publication. This proposed regulation was submitted to both Houses of Congress on August 1, 1975, as required by 2 U.S.C. 438(c) (1). Further action will be taken by the Federal Election Commission after the proposed regulation has been before the Congress for 30 legislative days in accordance with 2 U.S.C. 438(c) (2).

Dated: September 11, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

[FR Doc.75-25354 Filed 9-19-75;10:03 a.m.]